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ABSTRACT

The Museum of Anthropology, University of Northern Colorado at Greeley, has assembled various American Indian tribal charters, constitutions, and by-laws to comprise a series of publications. The present volume, Part XI of the series, deals with the Indian tribes of Nevada: The Moapa Band of Paiute Indians, the Pyramid Lake Paiute Tribe, the Summit Lake Paiute Tribe, the Walker River Paiute Tribe, the Yerington Paiute Tribe, the Fort McDermitt Paiute and Shoshone Tribe, the Paiute-Shoshone Tribe of the Fallon Reservation, the Duckwater Shoshone Tribe, the Shoshone-Paiute tribes of the Duck Valley Reservation, and the Yomba Shoshone Tribe. (EL)

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ETHNOLOGY SERIES

Number 12



CHARTERS, CONSTITUTIONS AND BY-LAWS OF THE INDIAN
TRIBES OF NORTH AMERICA

Part XI: The Basin-Plateau Tribes

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compiled/edited by

George R. Fay

Museum of Anthropology
University of Northern Colorado
Greeley, Colorado

January, 1971

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The editor is indebted to the following persons for providing, and extending permission to reproduce herein, the charters, constitutions and by-laws of the Indian tribes of Nevada.

Robert Leland, Attorney, Reno, Nevada, by Tribal Council directions: Pyramid Lake Paiute Tribe.

Mrs. Janice D. Connelley, Tribal Secretary, Duck Valley Indian Reservation, Owyhee, Nevada: The Shoshone-Paiute Tribes.

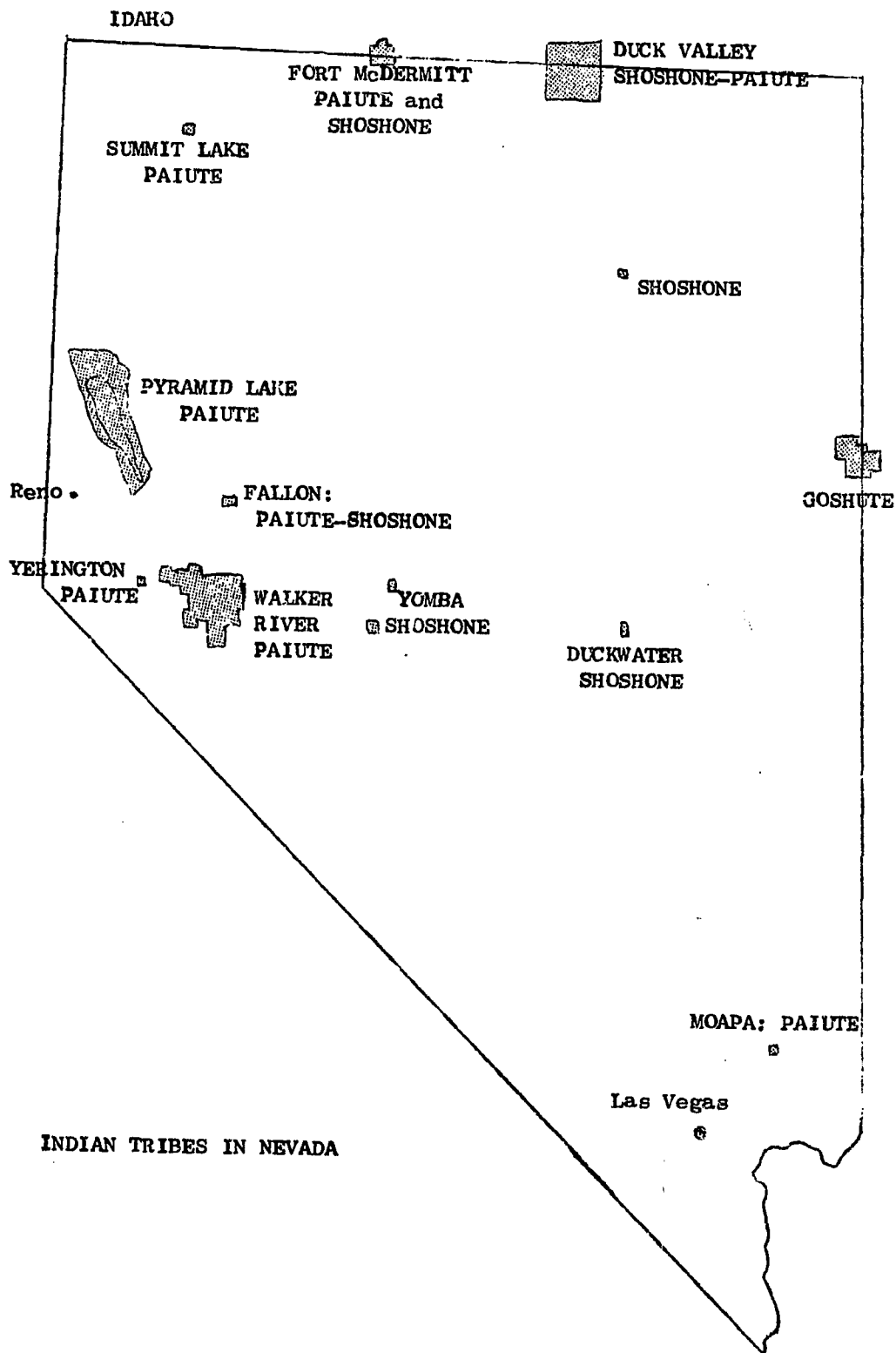
Superintendent, Nevada Agency of the Bureau of Indian Affairs, Stewart, Nevada:

Moapa Band of Paiute Indians
Summit Lake Paiute Tribe
Walker River Paiute Tribe
Yerington Paiute Tribe
Fort McDermitt Paiute and Shoshone Tribes
Paiute-Shoshone Tribe of the Fallon Reservation
Duckwater Shoshone Tribe
Shoshone-Paiute Tribes of the Duck Valley Reservation
Yomba Shoshone Tribe.

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CORPORATE CHARTER OF THE MOAPA BAND OF PAIUTE INDIANS
OF THE
MOAPA RIVER RESERVATION, NEVADA

Ratified May 3, 1942

A Federal Corporation Chartered Under the Act of June 18, 1934.

Whereas, the Moapa Band of Paiute Indians residing on the Moapa River Reservation in the State of Nevada constitutes a recognized Indian tribe organized under a Constitution and By-laws ratified by the members of the Moapa Band of Paiute Indians on March 15, 1942, and approved by the Secretary of the Interior on April 17, 1942, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378), and

Whereas, more than one-third of the adult members of the Moapa Band of Paiute Indians have petitioned that a charter of incorporation be granted to such Band, subject to ratification by a vote of the adult Indians living on the Moapa River Reservation;

Now, therefore I, Oscar L. Chapman, Assistant Secretary of the Interior by virtue of the authority conferred upon me by the said Act of June 18, 1934 (49 Stat. 984), do hereby issue and submit this Charter of incorporation to the Moapa Band of Paiute Indians of the Moapa River Reservation, to be effective from and after such time as it may be ratified by a majority vote of the adult Indians living on the Reservation at an election in which at least 30 percent of the eligible voters vote.

1. Corporate Existence. In order to further the economic development of the Moapa Band of Paiute Indians of the Moapa River Reservation in the State of Nevada by conferring upon the said Band certain corporate rights, powers, privileges, and immunities; to secure for the members of the Band an assured economic independence; and to provide for the proper exercise by the Band of various functions heretofore performed by the Department of the Interior, the aforesaid Band is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Moapa Band of Paiute Indians".

2. Perpetual Succession. The Moapa Band of Paiute Indians shall, as a federal corporation, have perpetual succession.

3. Membership. The Moapa Band of Paiute Indians shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Moapa Band of Paiute Indians, as provided by its duly ratified and approved Constitution and By-laws.

4. Management. The Moapa Business Council established in accordance with the said Constitution and By-laws of the Moapa Band of Paiute Indians shall exercise all the corporate powers hereinafter enumerated.

5. Corporate Powers. The Moapa Band of Paiute Indians, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of the Band, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the tribal Constitution and By-laws:

(a) To adopt, use, and alter at its pleasure, a corporate seal.

(b) To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

(1) No sale or mortgage may be made by the Band of any land or interests in land, including mineral rights, now or hereafter held by the Band within the boundaries of the Moapa River Reservation.

(2) No action shall be taken by or in behalf of the Band which in any way operates to destroy or injure the tribal grazing lands or other natural resources of the Moapa River Reservation. The use of tribal grazing lands shall conform to regulations of the Secretary of the Interior authorized by Section 6 of the Act of June 18, 1934, with respect to range carrying capacity and other matters therein specified.

(c) To issue interests in corporate property in exchange for restricted Indian lands, the forms for such interests to be approved by the Secretary of the Interior.

(d) To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934, (48 Stat. 984), or from any other governmental agency or from any member or association of members of the Band, and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or associations of members of the Tribe: Provided, That the amount of indebtedness to which the Band may subject itself aside from loans from the Indian Credit Fund, shall not exceed \$500, except with the express approval of the Secretary of the Interior.

(e) To engage in any business that will further the economic well-being of the members of the Band or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this Charter.

(f) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this Charter, with any person, association, or corporation, with any municipality or any county; or with the State of Nevada, including agreements with the State of Nevada for the rendition of public services: Provided, That all contracts involving payment of money by the corporation in excess of \$300 in any one year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(g) To pledge or assign chattels or future tribal income due or to become due to the Band: Provided, That no such assignment of tribal income, other than an assignment to the United States, shall extend more than ten years from the date of execution and shall not amount for any one year to more than one-half of the net tribal income from any one source: And provided further, That any such pledges or assignments shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(h) To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the Band.

(i) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and be sued shall not be deemed a consent by the Band or by the United States to the levy of any judgment, lien or attachment upon the property of the Band other than income or chattels specially pledged or assigned.

(j) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

6. Termination of Supervisory Powers. Upon request of the Moapa Business Council for the termination of any supervisory power reserved to the Secretary of the Interior under Sections 5 (c), 5 (d), 5 (f), 5 (g), 5 (h), and Section 8 of this Charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination for ratification by the Band. The termination shall be effective upon ratification by a majority vote of the adult members of the Band residing on the Reservation, at an election in which at least 30 percent of the eligible voters vote. If at any time after ten years from the date of approval of this Charter the Secretary shall disapprove a request for the termination of any such power, or fail to approve or disapprove it within 90 days after its receipt, the question of its termination may then be submitted by the Secretary, or by the Business Council, to popular referendum of the adult members of the Band actually living within the Reservation, and if the termination is approved by two-thirds of the eligible voters, it shall be effective.

7. Corporate Property. No property rights of the Moapa Band of Paiute Indians shall be in any way impaired by anything contained in this Charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals is hereby expressly recognized. The individually-owned property of members of the Band shall not be subject to any corporate debts or liabilities, without such owners' consent. Any existing lawful debts of the Band shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

8. Corporate Dividends. The Moapa Band of Paiute Indians may issue to each of its members a non-transferable certificate of membership evidencing the equal share of each member in the assets of the Moapa Band of Paiute Indians and may distribute per capita, among the recognized members of the Band, all income of the Band over and above sums necessary to defray corporate obligations to members of the Band or to other persons and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the costs of public enterprises, the expenses of tribal government, the needs of charity, or other corporate purposes. No such distribution of profits in any one year amounting to a distribution of more than one-half of the accrued surplus, shall be made without the approval of the Secretary of the Interior. No financial assets of the Band shall be distributed except as provided herein.

9. Corporate Accounts. The officers of the Band shall maintain accurate and complete public accounts of the financial affairs of the Band which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Band to the Commissioner of Indian

10. Amendments. This Charter shall not be revoked or surrendered except by Act of Congress, but amendments may be proposed by resolutions of the Moapa Business Council, which, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members living on the Reservation at a popular referendum in which at least 30 percent of the eligible voters vote.

11. Ratification. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Moapa River Reservation, provided at least 30 percent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Carson Indian Agency and the Chairman and Secretary of the Moapa Business Council.

Submitted by the Assistant Secretary of the Interior for ratification by the Moapa Band of Paiute Indians of the Moapa River Reservation in a popular referendum.

OSCAR L. CHAPMAN,
Assistant Secretary.

[SEAL]

WASHINGTON, D. C., April 17, 1942.

CERTIFICATION

Pursuant to an order approved April 17, 1942, by the Assistant Secretary of the Interior, the attached Charter for the Moapa Band of Paiute Indians of the Moapa River Reservation was submitted for ratification to the qualified members of the Moapa River Reservation and on May 3, 1942, was duly ratified by a vote of 43 for, and 1 against, in an election in which over thirty percent of those entitled to vote cast their ballots, in accordance with Section 17 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

FRANCIS SWAIN,
Chairman, Moapa Business Council.

BASIL BOW,
Secretary, Moapa Business Council.

DON C. FOSTER,
Superintendent, Carson Agency.

CONSTITUTION AND BY-LAWS OF THE MOAPA BAND OF PAIUTE
INDIANS OF THE
MOAPA RIVER RESERVATION, NEVADA

Approved April 17, 1942

PREAMBLE

We, the members of the Moapa Band of Paiute Indians, in order to establish a legal organization, promote the general welfare, conserve and develop our land, and secure to ourselves and our posterity the power to exercise certain rights of home rule not inconsistent with Federal, State and local laws, do ordain and establish this Constitution for the Moapa Band of Paiute Indians of the Moapa River Reservation in the State of Nevada.

ARTICLE I — TERRITORY

The jurisdiction of the Moapa Band of Paiute Indians shall extend to the territory within the confines of the Moapa River Indian Reservation as established by the Executive Order of February 12, 1874, the Act of Congress of March 3, 1875 (18 Stat. 420), and the Executive Orders of July 31, 1902, and November 26, 1912, and to such other lands as may be hereafter added thereto.

ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Moapa Band of Paiute Indians shall consist as follows:

(a) All persons of Indian blood whose names appear on the official census roll of the Band as of April 1, 1940: Provided, That such roll may be corrected by the Business Council with the approval of the Secretary of the Interior within one year after approval of this Constitution and Bylaws.

(b) All children born to any member of the Moapa Band of Paiute Indians who is a resident of the Reservation at the time of the birth of said children.

SEC. 2. The Business Council shall have the power to promulgate ordinances, subject to review by the Secretary of the Interior, governing future membership and the adoption of new members when the resources of the reservation make such adoption feasible.

ARTICLE III — GOVERNING BODY

SECTION 1. The governing body of the Moapa Band of Paiute Indians shall consist of a council, known as the Business Council.

SEC. 2. The Business Council shall consist of six members duly elected to serve three years, two members being elected each year.

SEC. 3. The Business Council so organized shall elect from within its own number, (1) a chairman, (2) a vice-chairman; and from within or without, (3) a secretary, and (4) a treasurer; and may appoint or employ such other officers or committees as may be deemed necessary.

SEC. 4. The present Council, within sixty days after ratification and approval of this Constitution, shall call a general tribal meeting for the election of officers in accordance with this Constitution. The two candidates receiving the highest number of votes shall hold office until December 1944; the two candidates receiving the next highest number of votes shall hold office until December 1943; the two candidates receiving the third highest number of votes shall hold office until December 1942. Thereafter, the term of office for councilmen elected under this Constitution shall be three years. After the first election, elections for the Business Council shall be held on the second Tuesday of December.

SEC. 5. All elections shall be by secret ballot and shall be held in accordance with rules and regulations prescribed by the Business Council or by an election board appointed by the Business Council.

ARTICLE IV — VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a Council member shall die, resign, or permanently leave the reservation, or be removed from office for cause, the Council shall declare the position vacant and appoint a successor to serve until the annual general tribal meeting in December, at which time the general tribal meeting shall elect a successor for the unexpired term.

SEC. 2. The Business Council may, by two-thirds vote, expel any member for neglect of duty or gross misconduct, provided such charges are in writing subscribed by competent witnesses and formally served upon the accused at least five days prior to the hearing. The accused member shall be given a full and fair opportunity to reply to any and all such charges against himself, and also the opportunity to summon witnesses in his behalf.

SEC. 3. Upon receipt of a petition signed by one-third of the eligible voters of the reservation calling for the recall of any member or members of the Council named in said petition, it shall be the duty of the Council to call an election on such recall petition. No member may be recalled in any such election unless at least 30 percent of the legal voters of the reservation shall vote at such election. In the event the majority of those voting in such election favor such recall from office, the office shall be declared vacant and the Council shall proceed in the usual manner to fill the said vacancy.

ARTICLE V — POWERS OF THE BUSINESS COUNCIL

SECTION 1. Enumerated Powers. The Business Council of the Moapa River Indian Reservation shall exercise the following powers, subject to any limitations imposed by the Statutes or the Constitution of the United States:

(a) To negotiate with the Federal, State and local governments.

(b) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To veto or approve any sale, disposition, lease or encumbrance of tribal lands, interests in lands or other tribal assets.

(d) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the reservation prior to submission of such estimates to the Bureau of the Budget and to Congress.

(e) To manage all economic affairs and enterprises on the Moapa River Indian Reservation in accordance with the terms of a charter that may be issued to the Moapa Band of Paiute Indians by the Secretary of the Interior.

(f) To promulgate and enforce ordinances which shall be subject to review by the Secretary of the Interior, providing for the manner of making, holding and revoking assignments of tribal lands or interests therein; providing for the levying of taxes and the appropriation of available funds of the Band for public purposes; providing for the licensing of nonmembers coming upon the reservation for purposes of hunting, fishing, trading or other business; providing for the maintenance of law and order and administration of justice by establishing a reservation court and defining its duties and powers; and providing for the exclusion from the reservation of persons not legally entitled to reside thereon.

(g) To regulate the inheritance of real and personal property, except allotted lands, within the territory of the Moapa River Indian Reservation, subject to review by the Secretary of the Interior.

(h) To provide for the appointment of guardians for minors and mental incompetents by ordinance or resolution, subject to review by the Secretary of the Interior.

(i) To charter subordinate organizations for economic purposes, and to delegate to such organizations, or to any subordinate boards or officials of the reservation, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

SEC. 2. Future Powers. The Business Council may exercise such further powers as may in the future be delegated to it by the Secretary of the Interior, or any other duly authorized official or agency of the State or Federal government.

SEC. 3. Reserved Powers. Any rights and powers heretofore vested in the Moapa Band of Paiute Indians but not expressly referred to in this Constitution, shall not be abridged by this Article, but may be exercised by the members of the Band through the adoption of appropriate bylaws and constitutional amendments.

SEC. 4. Manner of review. Any resolution or ordinance which by the terms of this Constitution shall be subject to review by the Secretary of the Interior, shall be presented to the Superintendent in charge of the Reservation, who shall, within ten days thereafter, approve or disapprove the same. If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement to the Secretary of the Interior, who may, within ninety days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the Business Council of such decision.

If the Superintendent shall refuse to approve any ordinance or resolution submitted to him within ten days after its enactment, he shall advise the Council of his

reasons therefor. If these reasons appear to the Council insufficient, it may, by majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within ninety days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

ARTICLE VI -- BILL OF RIGHTS

SECTION 1. Suffrage. Any member of the Moapa Band of Paiute Indians twenty-one (21) years of age or over, who has resided on the reservation for one year immediately preceding any election, shall be entitled to vote or to hold office therein.

SEC. 2. Economic Rights. All members of the Band shall be accorded equal opportunities to participate in the economic resources and activities of the reservation.

SEC. 3. Civil Liberties. All members of the Band shall enjoy without hindrance, freedom of worship, conscience, speech, press, assembly, and association.

ARTICLE VII -- LAND

SECTION 1. Allotted Lands. Allotted lands, including heirship lands, belonging to any member of the Moapa Band of Paiute Indians shall continue to be held as heretofore by their present owners. It is recognized that under existing law such lands may be condemned for public purposes, such as roads, public buildings, or other public improvements, upon payment of adequate compensation, by an agency of the State of Nevada or of the Federal Government. It is further recognized that under existing law, such lands may be inherited by the heirs of the present owner, whether or not they are members of the Moapa Band of Paiute Indians. Likewise, it is recognized that under existing law, the Secretary of the Interior, may, at his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to state taxes and may then be mortgaged or sold.

The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in this Constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Moapa Band of Paiute Indians, under such terms as may be agreed upon.

SEC. 2. Tribal Land. The unallotted lands of the Moapa River Reservation, and all lands which may hereafter be acquired by the Moapa Band of Paiute Indians of the Moapa River Reservation or by the United States in trust for the Band, shall be held as tribal lands and shall be used in accordance with a land use agreement to be entered into between the tribe and the Secretary of the Interior, and no part of such lands shall be mortgaged or sold. Tribal lands shall not be allotted to individual Indians, but agricultural lands may be assigned to members of the Moapa Band of Paiute Indians, or otherwise used by the Band as specified in the land use agreement.

SEC. 3. Grant of Standard Assignments. Tribal lands now owned by the Band or which may be hereafter acquired for the Band by the United States, or purchased by the Band out of tribal funds, may be assigned to members of the Band for the purpose of establishing homes for landless Indians, in accordance with the provisions of the land use agreement to be entered into by the Band and the Secretary of the Interior. Assignments made under this section shall be known as Standard Assignments.

SEC. 4. Grant of Exchange Assignments. Any member of the Band who owns an allotment or any share of heirship land may voluntarily transfer his interest in such land to the Band in exchange for an assignment of the same land or other land of equal value. Assignments made under this Section shall be known as Exchange Assignments.

SEC. 5. Leasing of Exchange Assignments. Exchange assignments may be used by the assignee or leased by him to Indian cooperative associations, to individual members of the Band, or, if no individual Indian or Indian cooperative association is able and willing to rent the land at a reasonable fee, such assignments may be leased to non-Indians in the same manner as allotted lands.

SEC. 6. Inheritance of Exchange Assignments. Upon the death of the holder of any exchange assignment, such land shall be reassigned by the Business Council to his heirs or devisees, subject to the following conditions:

(a) Such lands may not be reassigned to any heirs or to devisees who are not members of the Moapa Band of Paiute Indians, except that a life assignment may be made to the surviving widower or widow of the holder of the assignment.

(b) Such lands may not be reassigned to any heirs or devisees who already hold more than a specified number of acres of land, or interests in lands of equal value, either under allotment or under assignment, the number of acres and the value of the interests to be determined from time to time by the Council.

(c) Such lands may not be subdivided among heirs or devisees into units too small for convenient management.

(d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment in accordance with the provisions of Section 3 of this Article.

SEC. 7. Inheritance of Improvements. Improvements of any character made upon assigned land may be bequeathed to and inherited by members of the Moapa Band of Paiute Indians, or otherwise disposed of, under the terms of the land use agreement. No permanent improvements shall be removed from the land without the consent of the Business Council.

SEC. 8. Exchange of Assignments. Assignments may be exchanged between members of the Band by common consent of the parties concerned, in such manner as the land use agreement may provide.

ARTICLE VIII -- AMENDMENTS

This Constitution and Bylaws may be amended by a majority vote of the qualified voters of the Moapa Band of Paiute Indians, voting at an election called for that purpose by the Secretary of the Interior; Provided, That at least 30 percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment at the request of two-thirds of the members of the Business Council, or upon presentation of a petition signed by one-third of the qualified voters, members of the Moapa Band of Paiute Indians.

BY-LAWS OF THE MOAPA BAND OF PAIUTE INDIANS OF THE
MOAPA RIVER RESERVATION

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. Chairman of the Business Council. The Chairman of the Business Council shall preside over all meetings of the Business Council, shall perform all duties of the Chairman and exercise any authority delegated to him by the Business Council. The Chairman shall also preside at all meetings of the Band. He shall have no vote except in the case of a tie.

SEC. 2. The Vice-Chairman of the Business Council. The Vice-Chairman shall assist the Chairman when called upon so to do, and in the absence of the Chairman, he shall preside. When so presiding, he shall have all the rights, privileges, duties and responsibilities of the Chairman.

SEC. 3. Secretary of the Business Council. The Secretary shall keep a full report of all proceedings of each regular and special meeting of the Business Council and of the Band, and shall perform such other duties of like nature as the Business Council shall from time to time by resolution provide, and shall transmit copies of the minutes of each meeting to the Superintendent in charge of the reservation and to the Commissioner of Indian Affairs.

SEC. 4. Treasurer of the Business Council. The Treasurer shall be the custodian of all moneys which may come under the jurisdiction or into the control of the Business Council. He shall pay out money in accordance with the orders and resolutions of the Business Council. He shall keep an account of all receipts and disbursements and shall report the same to the Business Council at each regular meeting.

He shall be bonded in such an amount as the Business Council may, by resolution approved by the Commissioner of Indian Affairs, provide. The books of the Treasurer shall be subject to audit or inspection at the direction of the Business Council or the Commissioner of Indian Affairs. Until the Treasurer is bonded, the Business Council shall make such provision for the custody and the disbursing of funds as shall guarantee their safe and proper disbursement and use.

SEC. 5. Duties of Appointive Officers and Boards. The duties of all appointive officers or boards shall be clearly defined by resolution of the Business Council at the time of their creation or appointment. Such boards and officers shall report from time to time, as required, to the Business Council, and their activities and decisions shall be subject to review by the Business Council upon the complaint of any person aggrieved.

SEC. 6. It shall be the duty of the Business Council, and every member thereof, to promote the general welfare of the members of the Band, and to carry out the provisions and purposes of this Constitution and Bylaws.

ARTICLE II — CERTIFICATE OF ELECTION

It shall be the duty of the Business Council, or a board appointed by them, to certify to the election of newly elected Council members within five days after the election, and thereupon they shall be notified by the Secretary of the Business Council of their election.

ARTICLE III -- COMPENSATION OF COUNCIL MEMBERS

The Business Council may prescribe such compensation for officers and members of the Business Council as it deems advisable from such funds as may be available, subject to approval at the general meeting of the Band in the annual December meeting.

ARTICLE IV -- TIME AND PLACE OF MEETINGS

SECTION 1. Meetings. Regular meetings of the Business Council shall be held at the Moapa Sub-Agency quarterly, the time and place to be designated by the Council by resolution.

Special meetings may be called by the Chairman or by written notice signed by a majority of the Business Council members, and when so called, the Business Council shall have power to transact business as in regular meetings.

SEC. 2. Quorum. No business shall be transacted unless a quorum is present. A quorum shall consist of four Council members.

A quorum at a general meeting of the Band shall consist of one-third of the eligible voters.

SEC. 3. Annual Tribal meeting. There shall be an annual tribal meeting open to all members of the Band, held at the Sub-Agency. At this annual meeting, elections shall be held as designated heretofore in this Constitution. It shall be the duty of the Chairman to make a report at said meeting of the activities of the Business Council throughout the year, and to outline proposed plans for the economic and social betterment of the reservation.

SEC. 4. Special Tribal Meeting. Special tribal meetings may be called by the Chairman, provided due notice is posted within the reservation at least five days prior to such meeting. Thirty percent of the legal voters of the Band may at any time, by written petition, call a special tribal meeting, provided at least five days' notice is posted within the reservation.

SEC. 5. Order of Business. The order of business at any regular or special meeting of the Business Council shall be as follows:

1. Call to order by the Chairman.
2. Roll call.
3. Reading of minutes of previous meeting.
4. Reports of committees.
5. Report of the Treasurer.
6. Reading of communications.
7. Unfinished business.
8. New business.
9. Adjournment.

ARTICLE V — INSTALLATION OF OFFICERS AND COUNCIL MEMBERS

Each officer elected or appointed hereunder shall take an oath of office prior to assuming the duties thereof, by which oath he shall pledge himself to support and defend the Constitution of the United States and this Constitution and Bylaws:

Oath: "I, _____, do solemnly swear that I will support and defend the Constitution of the United States against all enemies; that I will carry out faithfully and impartially the duties of my office to the best of my ability; that I will cooperate, promote and protect the best interest of my people, in accordance with this Constitution and Bylaws."

ARTICLE VI — RATIFICATION OF CONSTITUTION AND BY-LAWS

This Constitution and Bylaws, when adopted by a majority vote of the voters of the Moapa Band of Paiute Indians of the Moapa River Indian Reservation, voting at a special election called by the Secretary of the Interior in which at least 30 percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be in force from the date of such approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved February 13, 1942, by the Assistant Secretary of the Interior, the attached Constitution and Bylaws was submitted for ratification to the members of the Moapa Band of Paiute Indians and was on March 15, 1942, duly ratified by a vote of 55 for and 2 against, in an election in which more than 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

FRANCIS SWAIN,
Chairman, Election Board.

ROGER BENN,
Secretary, Election Board.

F. A. FONES,
Acting Superintendent, Carson Agency.

I, Oscar L. Chapman, the Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and Bylaws of the Moapa Band of Paiute Indians of the Moapa River Indian Reservation in Nevada.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution and Bylaws are hereby declared inapplicable to the members of the Moapa Band of Paiute Indians.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and Bylaws.

Approval recommended April 13, 1942.

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WILLIAM ZIMMERMAN, JR.,
Assistant Commissioner of Indian Affairs.

OSCAR L. CHAPMAN,
Assistant Secretary.

[SEAL]

WASHINGTON, D. C., April 17, 1942

CORPORATE CHARTER OF THE PYRAMID LAKE PAIUTE TRIBE
OF THE
PYRAMID LAKE RESERVATION, NEVADA

Ratified November 21, 1936

A Federal Corporation Chartered Under the Act of June 18, 1934.

Whereas, the Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation in the State of Nevada constitutes a recognized Indian Tribe organized under a Constitution and By-laws ratified by the members of the Pyramid Lake Paiute Tribe on December 14, 1935, and approved by the Secretary of the Interior on January 15, 1936, pursuant to section 16 of the Act of June 18, 1934, (48 Stat. 984), as amended by the Act of June 15, 1935, (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Tribe have petitioned that a charter of incorporation be granted to such Tribe, subject to ratification by a vote of the adult Indians living on the reservation;

Now, therefore, I, Harold L. Ickes, Secretary of the Interior, by virtue of the authority conferred upon me by the said act of June 18, 1934, (48 Stat. 984), do hereby issue and submit this charter of incorporation to the Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation to be effective from and after such time as it may be ratified by a majority vote of the adult Indians living on the reservation at an election in which at least thirty percent of the eligible voters vote.

1. Corporate Existence. In order to further the economic development of the Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation in the State of Nevada by conferring upon the said Tribe certain corporate rights, powers, privileges and immunities; to secure for the members of the Tribe an assured economic independence; and to provide for the proper exercise by the Tribe of various functions heretofore performed by the Department of the Interior, the aforesaid Tribe is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Pyramid Lake Paiute Tribe".

2. Perpetual Succession. The Pyramid Lake Paiute Tribe shall, as a Federal Corporation, have perpetual succession.

3. Membership. The Pyramid Lake Paiute Tribe shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Tribe, as provided by its duly ratified and approved Constitution and By-laws.

4. Management. The Pyramid Lake Paiute Tribal Council established in accordance with the said Constitution and By-laws of the Tribe, shall exercise all the corporate powers hereinafter enumerated.

5. Corporate Powers. The Tribe, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of the said Tribe, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the tribal Constitution and By-laws:

(a) To adopt, use, and alter at its pleasure a corporate seal.

(b) To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

(1) No sale or mortgage may be made by the Tribe of any land, or interests in land, including water power sites, water rights, oil, gas, and other mineral rights, now or hereafter held by the Tribe within the boundaries of the Pyramid Lake Reservation.

(2) No leases, permits (which terms shall not include land assignments to members of the Tribe) or timber sale contracts covering any land or interests in land now or hereafter held by the Tribe within the boundaries of the Pyramid Lake Reservation shall be made by the Tribe for a longer term than five years, and all such leases, permits or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but mineral leases or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.

(3) No action shall be taken by or in behalf of the Tribe which in any way operates to destroy or injure the tribal grazing lands, timber, or other natural resources of the Pyramid Lake Reservation. All leases, permits, and timber sale contracts relating to the use of tribal grazing or timber lands shall conform to regulations of the Secretary of the Interior authorized by Section 6 of the Act of June 18, 1934, with respect to range carrying capacity, sustained yield forestry management, and other matters therein specified. Conformity to such regulations shall be made a condition of any such lease, permit or timber sale contract, whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.

(c) To issue interest in corporate property in exchange for restricted Indian lands, the forms for such interests to be approved by the Secretary of the Interior.

(d) To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934, (48 Stat. 984), or from any other governmental agency, or from any members or association of members of the Tribe, and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or associations of members of the Tribe: Provided, That the amount of indebtedness of which the Tribe may subject itself, aside from loans from the Indian Credit Fund, shall not exceed five thousand dollars, except with the express approval of the Secretary of the Interior.

(e) To engage in any business that will further the economic well-being of the members of the Tribe or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this charter.

(f) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of Nevada, including agreements with the State of Nevada for the rendition of public services: Provided, That all contracts involving payment of money by the corporation in excess of \$500 in any one fiscal year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(g) To pledge or assign chattels or future tribal income due or to become due to the Tribe: Provided, That such agreements of pledge or assignment shall not extend more than ten years from the date of execution and shall not amount for any one year to more than one-half the net tribal income in the preceding year: And provided further, That any such agreement shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(h) To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the Tribe.

(i) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the Tribe or by the United States to the levy of any judgment, lien or attachment upon the property of the Tribe other than income or chattels specially pledged or assigned.

(j) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

6. Termination of Supervisory Powers. Upon request by the Pyramid Lake Paiute Tribal Council for the termination of any supervisory power reserved to the Secretary of the Interior under sections 5 (b) (2), 5 (c), 5 (d), 5 (f), 5 (g), 5 (h), and section 8 of this charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination for ratification by the Tribe. The termination shall be effective upon ratification by a majority vote of the adult members of the Tribe residing on the reservation, at an election in which at least thirty percent of the eligible voters vote. If, at any time after ten years from the date of approval of this charter, the Secretary shall disapprove a request for the termination of any such power, or fail to approve or disapprove it within ninety days after its receipt, the question of its termination may then be submitted by the Secretary or by the Tribal Council to popular referendum of the adult members of the Tribe actually living within the reservation, and if the termination is approved by two-thirds of the eligible voters it shall be effective.

7. Corporate Property. No property rights of the Pyramid Lake Paiute Tribe shall be in any way impaired by anything contained in this charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognized. The individually owned property of members of the Tribe shall not be subject to any corporate debts or liabilities, without such owners consent. Any existing lawful debts of the Tribe shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

8. Corporate Dividends. The Tribe may issue to each of its members a non-transferable certificate of membership evidencing the equal share of each member in the assets of the Tribe and may distribute per capita, among the recognized members of the Tribe, all income of the Tribe over and above sums necessary to defray corporate obligations to members of the Tribe or to other persons and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the costs of public enterprises, the expenses of tribal government, the needs of charity, or other corporate purpose. Any such distribution of profits in any one year amounting to a distribution of more than one-half of the accrued surplus, shall not be made without the approval of the Secretary of the Interior. No financial assets of the Tribe shall be distributed except as provided herein.

9. Corporate Accounts. The officers of the Tribe shall maintain accurate and complete public accounts of the financial affairs of the Tribe, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Tribe to the Commissioner of Indian Affairs.

10. Amendments. This charter shall not be revoked or surrendered except by act of Congress, but amendments may be proposed by resolutions of the Tribal Council which, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members living on the reservation at a popular referendum in which at least thirty percent of the eligible voters vote.

11. Ratification. This charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Pyramid Lake Paiute Tribe living on the Pyramid Lake Reservation, provided at least thirty percent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Carson Agency and the Chairman and Secretary of the Pyramid Lake Paiute Tribal Council.

Submitted by the Secretary of the Interior for ratification by the Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation in a popular referendum to be held on November 21, 1936.

W. C. MENDENHALL,
Acting Secretary of the Interior.

[SEAL]

WASHINGTON, D. C., November 3, 1936.

CERTIFICATION

Pursuant to section 17 of the Act of June 18, 1934, (48 Stat. 984), this charter, issued on November 3, 1936, by the Secretary of the Interior to the Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada, was duly submitted for ratification to the adult Indians living on the reservation and was on November 21, 1936, duly ratified by a vote of 93 for, and 3 against, in an election in which over thirty percent of those entitled to vote cast their ballots.

LAWRENCE WILLIAMS,
Chairman of Tribal Council.

DEWEY E. SAMPSON,
Secretary of Tribal Council.

ALIDA C. BOWLER,
Superintendent in Charge of the Reservation.

CONSTITUTION AND BY-LAWS OF THE PYRAMID LAKE PAIUTE
TRIBE, NEVADA

Approved January 15, 1936

PREAMBLE

We, the members of the Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation in the State of Nevada, in order to establish our tribal organization, to conserve our tribal property, to develop our community resources, to administer justice, and to promote the welfare of ourselves and our descendants, do hereby ordain and establish this constitution and by-laws as a guide for the deliberations of our tribal council in their administration of tribal affairs.

ARTICLE I -- TERRITORY

The jurisdiction of the Pyramid Lake Paiute Tribe of Indians shall extend to the territory within the confines of the Pyramid Lake Indian Reservation as established by Executive order of March 23, 1874; to all lands claimed by the tribe to which title in the tribe may be established; and to such other lands as may hereafter be added thereto under any law of the United States, except as otherwise provided by law.

ARTICLE II -- MEMBERSHIP

SECTION 1. The membership of the Pyramid Lake Paiute Tribe shall consist of the following:

(a) All persons of Indian blood whose names appear on the official rolls of the Pyramid Lake Reservation as of January 1, 1935.

(b) All children born to any member of the Pyramid Lake Paiute Tribe who is a resident of the reservation at the time of the birth of said children.

SEC. 2. The council shall have the power to propose ordinances, subject to review by the Secretary of the Interior, governing future membership and the adoption of members by the tribe, provided that no existing property rights shall be affected by this section.

ARTICLE III -- GOVERNING BODY

SECTION 1. The governing body of the Pyramid Lake Paiute Tribe shall consist of a council known as the Pyramid Lake Paiute Tribal Council.

SEC. 2. The tribal council shall be composed of ten councilmen elected by secret ballot.

SEC. 3. The tribal council so organized shall elect from its own members, a council chairman and vice chairman, and from within or without its own members, a secretary, a treasurer, and such other officers and committees as may be deemed necessary.

SEC. 4. Councilmen shall hold office for a term of two years or until their successors are elected.

ARTICLE IV -- NOMINATIONS AND ELECTIONS

SECTION 1. The first election of a tribal council under this constitution shall be called, held, and supervised by the present tribal council within 30 days after the ratification and approval of this constitution, and thereafter elections shall be held every two years on a date to be determined by the Pyramid Lake Paiute Tribal Council and announced at least 30 days in advance. The election date shall fall between December 26 and 30.

SEC. 2. Any qualified voter of the tribe may announce his candidacy for the council by notifying the secretary of the tribal council, in writing, of his candidacy at least 15 days prior to the election. It shall be the duty of the secretary to post the names of all candidates who have met these requirements at least 10 days before the election.

SEC. 3. The Pyramid Lake Paiute Tribal Council, or a board appointed by the council, shall determine rules and regulations governing elections, and shall certify to the election of the members of the council within one day after the election returns.

SEC. 4. Any member of the Pyramid Lake Paiute Tribe who is 21 years of age or over and who has maintained a legal residence for at least one year on the Pyramid Lake Reservation shall be entitled to vote.

ARTICLE V -- VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a councilman or other official shall die, resign, permanently leave the reservation, or be removed from office, the council shall declare the office vacant and appoint a successor to fill the unexpired term.

SEC. 2. Any councilman who is proven guilty of improper conduct, or gross neglect of duty may be expelled from the council by a two-thirds vote of the council members, provided that the accused member is given full opportunity to reply to any and all charges at a designated council meeting, and provided further that the accused member shall have been given a written statement of the charges against him at least five days before the meeting at which he is to be given an opportunity to reply.

ARTICLE VI -- POWERS AND DUTIES OF THE TRIBAL COUNCIL

SECTION 1. The Pyramid Lake Paiute Tribal Council shall exercise the following powers, subject to any limitations imposed by the Statutes or the Constitution of the United States, and subject further to all express restrictions upon such powers contained in this constitution and the attached by-laws:

(a) To enter into negotiations with the Federal, State, and local governments on behalf of the tribe.

(b) To present and prosecute any claims or demands of the Pyramid Lake Paiute Tribe; to assist members of the tribe in presenting their claims and grievances at any court or agency of the Government; and to employ representatives or counsel for such services, the choice of counsel and fixing of fees for counsel and representatives to be subject to the approval of the Secretary of the Interior.

(c) To approve or veto any sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian affairs, or any other official or agency of the Government, provided that no tribal lands shall ever be sold, encumbered or leased for a period exceeding five years.

(d) To confer with the Secretary of the Interior upon all appropriation estimates or Federal projects for the benefit of the tribe prior to the submission of such estimates to the Bureau of the Budget and Congress.

(e) To make assignments of tribal land to members of the Pyramid Lake Paiute Tribe in conformity with article VII of this constitution.

(f) To administer any funds or property within the control of the tribe, to make expenditures from available funds for public purposes, including salaries or other remuneration to be paid only for services actually authorized in a regular and legal manner and actually rendered. All expenditures shall be by resolution duly approved by a majority vote of the council, and the amounts so expended shall be a matter of public record at all times.

(g) To require individual members of the tribe, or other Indian residents upon the reservation to assist with community labor, when just cause or extreme emergency exists.

(h) To create and maintain a Pyramid Lake Paiute Tribal Council Fund by accepting grants or donations from any person, State, or the United States, or by levying assessments of not less than ten cents or more than one dollar per year per capita on the qualified voters of the Pyramid Lake Paiute Tribe, and to require the performance of community labor in lieu thereof, or by levying taxes and license fees, subject to review by the Secretary of the Interior, upon non-members doing business within the reservation.

(i) To provide by ordinance, subject to review by the Secretary of the Interior, for removal or exclusion from the reservation of any non-members whose presence may be injurious to the members of the tribe.

(j) To promulgate ordinances for the purpose of safeguarding the peace and safety of residents of the reservation, and to establish courts for the adjudication of claims or disputes and for the trial and penalizing of Indians within the reservation charged with the commission of offenses set forth in such ordinances.

(k) To regulate the inheritance of property within the reservation, subject to review by the Secretary of the Interior.

(l) To provide by ordinance for the appointment of guardians for minors and mental incompetents, subject to the approval of the Secretary of the Interior.

(m) To adopt resolutions regulating the procedure of the council itself and of other tribal agencies and tribal officials of the reservation.

SEC. 2. Any resolution or ordinance which, by terms of this constitution, is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the reservation, who shall, within ten days thereafter approve or disapprove the same.

If the superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy bearing his endorsement, to the Secretary of the Interior who may, within ninety days from the date of enactment, rescind the ordinance or resolution by notifying the council of such action.

If the Superintendent shall refuse to approve any resolution or ordinance submitted to him, within ten days from its enactment, he shall advise the tribal council of his reasons therefor. If these reasons appear to the council insufficient it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within ninety days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution becomes effective.

SEC. 3. Future Powers. The council of the Pyramid Lake Paiute Tribe may exercise, subject to popular referendum, such further powers as may in the future be delegated to the tribe by the Secretary of the Interior, or by any other duly authorized official or agency of Government.

SEC. 4. Reserved Powers. Any rights and powers heretofore vested in the Pyramid Lake Paiute Tribe but not expressly referred to in this constitution, shall not be abridged by this article, but may be exercised by the people of the Pyramid Lake Paiute Tribe through the adoption of appropriate by-laws and constitutional amendments.

ARTICLE VII -- TRIBAL LANDS

SECTION 1. The lands of the Pyramid Lake Reservation and all lands which may hereafter be acquired by the Pyramid Lake Paiute Tribe or by the United States in trust for the Pyramid Lake Paiute Tribe, shall be held as tribal lands, and no part of such land shall be mortgaged or sold. Tribal lands shall not be allotted to individual Indians but may be assigned to members of the Pyramid Lake Paiute Tribe, or leased, or otherwise used by the tribe, as hereinafter provided.

SEC. 2. Tribal lands may be leased by the tribal council, with the approval of the Secretary of the Interior, for such periods of time as are permitted by law.

In the leasing of tribal lands preference shall be given, first to Indian cooperative associations, and secondly to individual Indians who are members of the Pyramid Lake Paiute Tribe. No lease of tribal land to a non-member shall be made by the tribal council unless it shall appear that no Indian cooperative association or individual member of the tribe is able and willing to use the land and to pay a reasonable fee for such use.

Grazing permits covering tribal land may be issued by the Pyramid Lake Paiute Tribal Council, with the approval of the Secretary of the Interior, in the same manner and upon the same terms as leases.

SEC. 3. In any assignment of tribal lands which are now owned by the tribe or which hereafter may be acquired for the tribe by the United States or purchased by the tribe out of tribal funds, preference shall be given first, to heads of families which are entirely landless and second, to heads of families which have already received assignments consisting of less than an economic unit of land, as may be determined from time to time by the tribal council.

The tribal council may, if it sees fit, charge a fee of not to exceed \$5.00 on approval of an assignment made under this section.

SEC. 4. If any member of the tribe holding an assignment of land shall, for a period of two (2) years, fail to use the land so assigned, such assignment may be canceled by the tribal council after due notice and an opportunity to be heard, and the said land may be reassigned in accordance with the provisions of section 3 of this article.

Upon the death of any Indian holding an assignment, his heirs, or other individuals designated by him, by will or by written request, shall have a preference in the reassignment of the land, provided such persons are members of the Pyramid Lake Paiute Tribe who would be eligible to receive an assignment.

SEC. 5. Applications for assignments shall be filed with the secretary of the Pyramid Lake Paiute Tribal Council and shall be in writing, setting forth the name of the person or persons applying for the land and as accurate a description of the land desired as the circumstances will permit. Notices of all applications received by the secretary shall be posted by him in the agency office and in at least three conspicuous places in the district in which the land is located, for not less than twenty days before action is taken by the council. Any member of the tribe wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections, to be filed with the secretary of the council, and may if he so desires, appear before the council to present evidence. The secretary of the council shall furnish the superintendent or other officers in charge of the agency a complete record of all action taken by the council on applications for assignment of land, and a complete record of assignments shall be kept in the agency office and shall be open for inspection by members of the tribe.

The council shall draw up one or more forms for assignments, which shall be subject to the approval of the Secretary of the Interior.

ARTICLE VIII -- REFERENDUM

Upon a petition of at least one-third of the qualified voters of the Pyramid Lake Paiute Tribe a referendum may be demanded on any enacted or proposed ordinance or resolution of the tribal council, and the vote of the majority of the qualified voters in such referendum shall be conclusive and binding on the tribal council.

ARTICLE IX -- AMENDMENTS

This constitution and by-laws may be amended by a majority vote of the qualified voters of the tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least 30 percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment, at the request of the council, or upon presentation of a petition signed by one-third (1/3) of the qualified voters, members of the tribe.

BY-LAWS OF THE PYRAMID LAKE PAIUTE TRIBE OF NEVADA

ARTICLE I -- DUTIES OF OFFICERS

SECTION 1. It shall be the duty of the chairman to preside at all meetings of the council.

SEC. 2. In the absence of the regular chairman the vice-chairman shall preside and he shall have all powers, privileges, and duties of the regular chairman.

SEC. 3. It shall be the duty of the tribal secretary to keep a true and accurate record of all matters affecting the tribal records, to render a proper accounting of such records at all meetings of the council, and to keep an accurate record of all council proceedings, including the meetings of each special and regular meeting. Minutes of all special or regular meetings shall be in triplicate, the original copy to be presented to the superintendent, and one copy to be transmitted to the Commissioner of Indian Affairs.

SEC. 4. The duties of the treasurer of the Pyramid Lake Paiute Tribal Council shall be as follows:

(a) He shall accept, receive, receipt for, preserve and safeguard all funds in the custody of the council, whether same be tribal funds or special funds for which the council is acting as trustee or custodian.

(b) He shall deposit all such funds in such bank or elsewhere, as directed by the council, and he shall keep an accurate record, filing same in the office of the Pyramid Lake Paiute Tribal Council, and he shall report in writing all receipts and expenditures and accounts and the nature of all funds in his possession, or custody, once every six months to the tribal council, or at any time he is requested to do so by the tribal council.

(c) He shall not disburse any funds in his custody belonging to the Pyramid Lake Paiute Tribal Council except when authorized by a motion duly passed and properly recorded by the council.

(d) The treasurer of the Pyramid Lake Paiute Tribal Council shall be requested to furnish a bond satisfactory to the council and to the Commissioner of Indian Affairs. Except that until he is bonded, the council may make such provision for the custody and disbursements of funds as shall guarantee their safety and proper disbursement and use.

(e) The books and records of the treasurer shall be audited at least once each year by a competent auditor employed by the tribal council or under the direction of the Commissioner of Indian Affairs.

ARTICLE II -- QUALIFICATIONS FOR OFFICE

Any person, to be elected as an officer or councilman, must be a Pyramid Lake Paiute Indian, enrolled on the Pyramid Lake Reservation, residing thereon, and over twenty-five (25) years of age at the time of his or her election. The tribal council shall be the sole judge of the qualifications of its own members.

ARTICLE III -- CONDUCT OF ELECTIONS AND CERTIFICATION

SECTION 1. It shall be the duty of the council to see that each nomination for tribal office, including membership in the council, shall be made in strict accord with the provisions of the constitution. The council shall certify as to the legality of such nomination; otherwise, it shall be considered illegal and ineffective by the council.

SEC. 2. All tribal elections for officers shall be canvassed and certified by the

council or by a board appointed by it within one day after such elections. No candidate shall be considered legally elected, nor shall he hold office until such canvass and certification shall have been made by the council.

SEC. 3. All necessary details concerning tribal nominations and elections not specifically covered by these by-laws or in the constitution shall be more fully set forth in ordinances to be hereafter established by the council.

ARTICLE IV — MEETINGS AND PROCEDURES

SECTION 1. Immediately after the election of members of the tribal council and when the elected members are duly certified as provided for in Article IV of this constitution, the members shall assemble and organize for business.

SEC. 2. The council shall meet regularly on the first Saturday of each month.

SEC. 3. Special meetings of the council shall be held at such times as are designated by the chairman, who shall notify members at least twenty-four hours before the date of such meetings.

SEC. 4. At any special or regular meeting of the tribal council three-fifths of the council members shall constitute a quorum and without such a quorum the chairman shall adjourn the meeting.

SEC. 5. Special meetings of the council shall be held upon call of the chairman or by written request of three members of the council or by petition signed by one-third of the legal voters of the tribe, such written request to be filed with the chairman or secretary of the council, who shall notify the council members twenty-four hours before the date of such council meeting.

SEC. 6. The order of business at any regular or special meeting of the Pyramid Lake Paiute Tribal Council shall be as follows:

- (a) Council called to order.
- (b) Roll call.
- (c) Reading of minutes of previous meeting.
- (d) Reports of standing committees.
- (e) Reports of council treasurer.
- (f) Reports of special committees.
- (g) Reading of communications and reports.
- (h) Unfinished business.
- (i) New business.
- (j) Adjournment.

SEC. 7. It shall be the duty of the council to exercise care and caution to the end that a complete record is preserved of all acts of the council and of all committees appointed therefrom. Accurate copies of all records shall be preserved in the files of the council and accurate copies of all necessary records shall be transmitted to such Bureaus, Departments, or elsewhere as may be required.

SEC. 8. All records of the council and its committees or delegates shall at all times be a matter of public record, and any member of the Pyramid Lake Paiute Tribe or his authorized representative, or any properly authorized officer or employee of any Government department, shall have full access to same during business hours.

However, it is provided that matters before the council while in executive session shall be, at the option of the council, withheld from the public or from individuals or their representatives, until after same shall have been acted upon or otherwise quietly disposed of.

SEC. 9. Copies of all leases, contracts, deeds, or assignments, and all other papers and documents pertaining to lands of any nature on the reservation, shall be carefully preserved by the council and insofar as it is possible all other documents affecting the rights and equities of the tribe as a whole, or the individual members thereof, shall be kept and preserved in order that such information shall at all times be available to the council and to the individual members of the tribe. Duplicates of all such documents shall be deposited in the files of the agency.

ARTICLE V — TRIBAL COURT (JUDICIAL CODE)

SECTION 1. (a) It shall be the duty of the council to provide, through the necessary by-laws or ordinances, for the establishment of a tribal court upon the reservation.

(b) This court shall have jurisdiction over all such offenses as may be provided in the ordinances of the council, unless they fall within the exclusive jurisdiction of Federal or State courts.

(c) This court shall have jurisdiction over all Indians upon the reservation and over such disputes or lawsuits as shall occur between Indians on the reservation or between Indians and non-Indians where such cases are brought before it by stipulation of both parties.

(d) The duties and jurisdiction of this court shall be more fully prescribed by appropriate by-laws or ordinances.

SEC. 2. It shall be the duty of the council to establish by ordinance a tribal police force which shall have full jurisdiction upon the reservation, in all cases not falling within the exclusive jurisdiction of Federal or State courts. The authorities and duties under which it will function may be outlined by the council, and such police shall be employees of the council, and the police force shall be an agency of the tribal court.

ARTICLE VI — PROPERTY REGULATIONS

SECTION 1. It shall be the duty of the council to pass rules and regulations to prevent unauthorized prospecting or mining of any kind upon the reservation and to see that such rules and regulations are properly enforced.

SEC. 2. The council shall pass ordinances for the control of hunting and fishing upon the reservation, such ordinances not to be in conflict with any of the Federal game laws. The council shall enforce ordinances and cooperate with Federal authorities in the protection of game on the reservation. The council may issue licenses for hunting and fishing and prohibit hunting and fishing without such licenses.

ARTICLE VII — PUBLIC WELFARE

SECTION 1. Community welfare. (a) The council shall determine in careful manner what constitutes just cause for aid or assistance to the indigent members of the tribe, and shall make proper provisions for recommendation to proper agencies of

individuals needing relief.

(b) The council shall designate persons who shall administer welfare work on the reservation, and the solicitation and expenditure of welfare funds shall be conducted in a systematic manner so that the right to do so may not be abused. The council shall thereby render assistance or aid to the aged, the physically handicapped, and all others in actual need of assistance.

(c) The council shall at all times endeavor to eliminate the causes for indigency, exercising wise and judicious supervision and management of tribal affairs and finances and, insofar as is possible, of the affairs and finances of individual members of the tribe, to the end that need, privation, and financial distress may be entirely eliminated among the members of the tribe.

SEC. 2. Education. (a) The council shall pass necessary ordinances to promote and increase learning and education among the members of the tribe, studying present school systems, and recommending plans for improving them to the proper bureaus or departments.

(b) The council shall enter into negotiations with non-reservation schools and procure for the members of the tribe the highest type of educational facilities, to the end that younger members of the tribe shall have every possible economic, social, and cultural advantage.

(c) The council shall encourage and promote among the residents of the reservation by every practical means a proper system of education for members of all ages in such subjects as home economics, hygiene, child care and training, agronomy, farm mechanics, etc., cooperating with State and Federal departments, and agencies which seek to promote such work.

ARTICLE VIII → LOANS

The tribal council shall act upon all applications for loans under the revolving fund or reimbursable regulations for the purchase of property, stock, or equipment. Loans to Indians for the payment of tuition for higher education or trade schools may be recommended by the tribal council to the appropriate committee.

ARTICLE IX → APPLICATION FOR FUNDS

The Pyramid Lake Paiute Tribal Council shall act in an advisory capacity upon all applications to the Superintendent for the withdrawal from the United States Treasury of trust funds or any other tribal funds and may adopt rules and regulations not in conflict with law, subject to the approval of the Superintendent, governing withdrawal of individual Indian moneys.

ARTICLE X → TRIBAL CLAIMS

The tribal council shall make a thorough survey, research, investigation, and study of the history and title of all lands which were tribal in character in times past, and shall endeavor to reestablish the tribal equity, if any, in such lands so as to obtain through proper channels just compensation for such lands as it shall find to have been unlawfully removed from the jurisdiction of the tribe without just compensation.

ARTICLE XI — GUARDIANSHIP

The tribal council shall pass all necessary ordinances whereby the rights of minors and incompetents shall be properly safeguarded and shall see that the administration of their funds and other assets, by guardians responsible to the council, shall be for the exclusive benefit of such minors or incompetents. It shall be the duty of the council to make semi-annual reports concerning all such guardianship funds or assets, and such reports shall be matters of public record.

ARTICLE XII

This constitution and by-laws when ratified by a majority vote of the qualified voters of the Pyramid Lake Reservation voting at an election called for the purpose by the Secretary of the Interior, provided that at least thirty (30) percent of those entitled to vote shall vote in such election, shall be submitted to the Secretary of the Interior, and, if approved, shall be effective from the date of approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved November 20, 1935, by the Secretary of the Interior, the attached constitution and by-laws was submitted for ratification to the Indians of the Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation and was on December 14, 1935, duly approved by a vote of 69 for, and 34 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the act of June 15, 1935 (Public, No. 147, 74th Cong.).

DEWEY E. SAMPSON,
Chairman of Election Board.

WM. O'DAY
Secretary of the Election Board.

ALIDA C. BOWLER,
Superintendent in Charge of the Reservation.

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached constitution and by-laws of the Pyramid Lake Paiute Tribe of Indians on the Pyramid Lake Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution and by-laws are hereby declared inapplicable to these Indians.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and by-laws.

Approval recommended January 7, 1936.

WILLIAM ZIMMERMAN, JR.,
Assistant Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior.

[SEAL]

WASHINGTON, D.C., January 15, 1936.

AMENDMENT -- CONSTITUTION AND BY-LAWS OF THE
PYRAMID LAKE PAIUTE TRIBE OF NEVADA

AMENDMENT I.

Section 2 of the Article IV, Meetings, and Procedures, of the Bylaws shall be amended as follows:

SEC. 2. The council shall meet regularly on the first Friday of each month.

CERTIFICATION OF ADOPTION

Pursuant to an order approved December 2, 1955, by the Assistant Secretary of the Interior, the foregoing Amendment I to the Constitution and Bylaws of the Pyramid Lake Paiute Tribe of the Pyramid Lake Paiute Reservation was submitted for adoption to the qualified voters of the Pyramid Lake Paiute Tribe and was on December 26, 1955, duly adopted by a vote of 80 for and 12 against, in an election in which at least 30 percent of a total of 262 eligible voters cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

TEDDY JAMES
Acting Chairman
Pyramid Lake Paiute Tribal Council

ALBERT ALECK
Secretary
Pyramid Lake Paiute Tribal Council

BURTON A. LADD
Superintendent, Nevada Agency

APPROVAL

I, Wesley A. D'Ewart, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendment I to the Constitution and Bylaws of the Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada.

Approval recommended:

W. BARTON GREENWOOD
Acting Commissioner of Indian Affairs

WESLEY A. D'EWART
Assistant Secretary of the Interior

[SEAL]

WASHINGTON, D.C., Feb. 3, 1956.

AMENDMENT — CONSTITUTION AND BY-LAWS OF THE
PYRAMID LAKE PAIUTE TRIBE OF NEVADA

AMENDMENT II.

Article III, Section 4, of the tribal constitution shall be amended to read as follows:

"Councilmen shall hold office for a term of two years or until their successors are elected, except that at the first election of Councilmen under this Amendment to the Constitution, the five candidates receiving the highest number of votes shall hold office for two years and the five candidates receiving the next highest number of votes shall hold office for one year. Thereafter, every year five Councilmen shall be elected for a term of two years."

Article IV, Section 1, of the tribal constitution shall also be amended to read as follows:

"The first election of a tribal council under this Amendment shall be called, held and supervised by the present tribal council within 30 days after the ratification and approval of this Amendment, and thereafter elections shall be held every year on a date to be determined by the Pyramid Lake Paiute Tribal Council and announced at least 30 days in advance. The election date shall fall between December 26 and 30."

APPROVAL

I, John A. Carver, Jr., Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 934), as amended, do hereby approve the attached Amendment II (covering election of officers and terms of office) and amending Article III, section 4 and Article IV, section 1 of the Constitution and Bylaws of the Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation.

Approval Recommended

/s/ PHILLEO NASH
Commissioner of Indian Affairs

/s/ JOHN A. CARVER, JR.
(Assistant) Secretary of the Interior

[SEAL]

WASHINGTON, D.C., Feb. 23, 1962.

ARTICLES OF ASSOCIATION OF THE SUMMIT LAKE

PAIUTE TRIBE, NEVADA

Approved January 8, 1965

ARTICLE I -- TERRITORY

The lands of the Summit Lake Paiute Tribe shall extend to the territory within the confines of the Summit Lake Reservation, and such other lands as may be added thereto.

ARTICLE II -- GOVERNING BODY

SECTION 1. The Governing Body of the Summit Lake Paiute Tribe shall be known as the "Summit Lake Paiute Council" to consist of five (5) members, elected for a three-year term, including a Chairman, Vice-Chairman, Secretary-Treasurer, and two members, and shall have the following powers and duties, subject to any limitations imposed by the applicable statutes of the United States and the regulations of the Secretary of the Interior, made pursuant thereto and published in the Code of Federal Regulations.

(a) The five (5) present members of the Business Council shall serve the first term.

(b) To represent the Summit Lake Paiute Tribe in negotiations with Federal, State, and local governments, and other corporations, associations, partnerships or individuals, and to cooperate with the Bureau of Indian Affairs, Department of Public Health, and various departments and agencies of the State of Nevada in matters of welfare, education, recreation, and social services.

(c) To acquire, manage, lease, or otherwise deal with tribal assets.

(d) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(e) To veto any sale, disposition, lease, or encumbrance of tribal lands, interests in lands or other tribal assets, without the consent of the tribe.

(f) To make assignments of Summit Lake Reservation lands or interest therein and property improvements thereon.

(g) To regulate inheritance of assignments.

(h) To establish a membership roll, enact regulations governing the loss of membership, future membership, and the adoption of members into the Summit Lake Paiute Tribe, but any member by written instrument may resign from the Summit Lake Reservation without prejudice to any action of the Summit Lake Paiute Council theretofore duly taken affecting his interest.

(i) To assess fees on the members of the Summit Lake Paiute Tribe for payment of tribal expenses, or to finance any project which it deem beneficial to the interest of the Summit Lake Reservation as a whole.

(j) To determine its own rules of procedure.

(k) To take such actions as are necessary to carry into effect any of the foregoing powers and duties.

SEC. 2. All final decisions of the Summit Lake Paiute Council on matters of general and permanent interest shall be collected and printed or mimeographed annually, and be open for inspection by all. All final decisions of the Summit Lake Paiute Council on matters of temporary interests shall likewise be collected and be open for inspection by all, but need not be printed or mimeographed. Actions on annual budgets, petitions to the Secretary of the Interior or Congress, and matters relating to particular individuals or officers, are among the matters to be considered of temporary interest.

ARTICLE III -- MEMBERSHIP

SECTION 1. The membership of the Summit Lake Paiute Tribe shall consist of persons who can qualify under the following categories, provided that such persons have not received an allotment of land with some other tribe or band. Ownership of an allotment or an interest in an allotment acquired through inheritance or purchase shall not disqualify a person from membership.

(a) All persons whose names appear on the Census of the Summit Lake Reservation as of January 1, 1940, except that those persons whose names are preceded by the notation "N. E." shall not be eligible for membership.

(b) All persons whose names are listed on the Allotment Schedule for the Summit Lake Paiute Tribe as approved by the Secretary of the Interior.

(c) Descendants of persons in the above categories, provided that such descendants possess at least one-fourth (1/4) degree Paiute Indian blood.

SEC. 2. Enrollment for persons qualifying for membership under (a) and (b) of Section 1, is automatic and they shall not be required to file an application. However, such persons may be required to furnish personal information necessary for roll preparation. All persons qualifying for membership under subsection (c) of Section 1, shall file applications for enrollment on forms adopted by the Summit Lake Paiute Council.

SEC. 3. Residing upon or receiving benefits from Public Domain allotments shall not be considered as enrollment in another tribe, and shall not disqualify a person for membership.

SEC. 4. Any person who is eligible for membership under subsection (c) of Section 1, and has maintained membership or affiliation with some other tribe or band, shall be required to relinquish such membership or affiliation, in writing, which shall become effective upon approval of the enrollment application.

SEC. 5. Persons adopted as members under these Articles of Association shall enjoy full rights and benefits of tribal membership.

ARTICLE IV -- ELECTIONS

SECTION 1. Any member of the Summit Lake Paiute Tribe twenty-one (21) years of

age or over shall be entitled to vote.

SEC. 2. The Summit Lake Paiute Council shall prescribe election regulations with respect to the dates thereof, polling places, election committees and their duties, absentee balloting and any other necessary requirement thereof.

ARTICLE V -- OFFICERS

SECTION 1. All elected officers shall take office on the Monday following the election, be installed therein by taking an oath to perform the duties of their office, and serve until their successors have duly qualified and have been installed.

SEC. 2. The Chairman of the Summit Lake Paiute Council shall preside over all its meetings. He shall perform all duties of a Chairman and exercise any authority delegated to him by the Summit Lake Paiute Council.

SEC. 3. The Vice-Chairman of the Summit Lake Paiute Council shall assist the Chairman when called upon to do so, and in the absence of the Chairman, he shall preside. When so presiding, he shall have all the rights, privileges and duties, as well as the responsibilities of the Chairman.

SEC. 4. The Secretary-Treasurer of the Summit Lake Paiute Council shall conduct all tribal correspondence and keep a complete and accurate record of all matters transacted at the Council meetings. It shall be his duty to submit promptly to the Superintendent, appointed by the Bureau of Indian Affairs, and having jurisdiction over the Summit Lake Reservation, copies of all minutes of all regular and special meetings of the Summit Lake Paiute Council. It shall be his duty to accept, receive, receipt for, preserve and safeguard all funds in the custody of the Summit Lake Paiute Council. He shall deposit all such funds in such banks or elsewhere as directed by the Summit Lake Paiute Council. He shall make and preserve a faithful record of such funds. He shall report on all receipts and expenditures and the amount and nature of all funds in his possession or custody, such report being made in writing to the Summit Lake Paiute Council at each regular meeting and at such times as requested by the Summit Lake Paiute Council. He shall not pay out nor authorize disbursement of any funds in his possession or custody, or in the possession or custody of the Summit Lake Paiute Council, except when properly authorized to do so by majority vote of the Summit Lake Paiute Council.

The books and records of the Secretary-Treasurer shall be audited at least once each year by a competent auditor employed by the Summit Lake Paiute Council, or by a Federal employee appointed by the Superintendent of the Nevada Indian Agency of the Bureau of Indian Affairs.

The Secretary-Treasurer shall be required to give bond satisfactory to the Summit Lake Paiute Council and the Superintendent of the Nevada Indian Agency.

SEC. 5. Appointive officers. The duties of all appointive committees or officers of the Summit Lake Paiute Council shall be clearly defined by the Summit Lake Paiute Council at the time of their creation or appointment. Such committees and officers shall report on their activities and decisions from time to time, as required by the Summit Lake Paiute Council. Their actions and decisions shall be subject to review by the Summit Lake Paiute Council.

ARTICLE VI -- VACANCIES AND REMOVAL

SECTION 1. If an officer or member of the Summit Lake Paiute Council shall die, become insane, resign, be removed from office, or state in writing that he is permanently leaving the Reservation, or shall be found guilty of a felony or misdemeanor involving dishonesty, in any Indian, State or Federal court, a vacancy in his office shall be automatically created and the members of the Summit Lake Paiute Council shall at its next regular or special meeting, appoint someone to fill the unexpired term.

SEC. 2. The Summit Lake Paiute Council by the affirmative vote of a majority of its members present at a meeting, may expel any member of the Summit Lake Paiute Council for neglect of duty or gross misconduct in office, but before any vote for expulsion is taken, such member shall be given a fair opportunity to answer any or all charges. The decision of the members of the Summit Lake Paiute Council shall be final.

ARTICLE VII -- MEETINGS

SECTION 1. Regular meetings of the Summit Lake Paiute Council shall be held twice a year, to be called by the Chairman during the month of May and October of each year.

SEC. 2. Special meetings may be called by a written notice signed by the Chairman of the Summit Lake Paiute Council, or by written notice signed by a majority of the members of the Summit Lake Paiute Council. Such notice must specify the purpose of the meeting, and no other business may be conducted without unanimous consent of all the Council members.

SEC. 3. No business shall be transacted unless a quorum of three (3) members are present.

SEC. 4. Order of business shall be as follows:

- Roll call.
- Reading the minutes of the last meeting.
- Unfinished business.
- Reports.
- New business.

ARTICLE VIII -- AMENDMENTS

These Articles of Association may be amended by a majority vote of the qualified voters of the Summit Lake Paiute Tribe voting in an election called for that purpose by the Secretary of the Interior, provided that at least thirty (30) percent of those entitled to vote shall vote in such election, but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment at the request of a majority of the Council members, or upon presentation of a petition signed by one-third of the qualified voters of the Summit Lake Paiute Tribe.

CERTIFICATION OF ADOPTION

Pursuant to an order approved July 15, 1964, by the Assistant Secretary of the Interior, the attached Articles of Association of the Summit Lake Paiute Tribe, Nevada, was submitted for adoption to the qualified voters of the Summit Lake Paiute Tribe and was on October 24, 1964, duly adopted by a vote of 7 for, and 0 against, in an election in which at least thirty percent of those entitled to vote cast their ballots in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

/s/ JOSEPHINE TOWNSEND
Chairman, Summit Lake Paiute
Business Council

/s/ JOSEPHINE TOWNSEND
Acting Secretary, Summit Lake Paiute
Business Council

RALPH B. ARMSTRONG
Acting Superintendent, Nevada Agency

APPROVAL

I, JOHN A. CARVER, JR., Acting Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Articles of Association of the Summit Lake Paiute Tribe, Nevada.

Approval recommended:

JAMES E. OFFICER

Associate Commissioner
Bureau of Indian Affairs

JOHN A. CARVER, JR.
Acting Secretary of the Interior

[SEAL]

WASHINGTON, D. C., Date: January 8, 1965

CORPORATE CHARTER OF THE WALKER RIVER PAIUTE TRIBE
OF THE WALKER RIVER RESERVATION, NEVADA

Ratified May 8, 1937

A Federal Corporation Chartered Under the Act of June 18, 1934.

Whereas, the Walker River Paiute Tribe of the Walker River Reservation in the State of Nevada constitutes a recognized Indian Tribe organized under a Constitution and By-laws ratified by the members of the Walker River Paiute Tribe on February 20, 1937, and approved by the Secretary of the Interior of March 26, 1937, pursuant to Section 16 of the Act of June 18, 1934, (48 Stat. 984), as amended by the Act of June 15, 1935, (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Tribe have petitioned that a charter of incorporation be granted to such Tribe, subject to ratification by a vote of the adult Indians living on the Reservation;

Now, therefore, I, Harold L. Ickes, Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934, (48 Stat. 984), do hereby issue and submit this Charter of incorporation to the Walker River Paiute Tribe of the Walker River Reservation, to be effective from and after such time as it may be ratified by a majority vote of the adult Indians living on the Reservation at an election in which at least 30 percent of the eligible voters vote.

1. Corporate Existence. In order to further the economic development of the Walker River Paiute Tribe of the Walker River Reservation in the State of Nevada by conferring upon the said Tribe certain corporate rights, powers, privileges, and immunities; to secure for the members of the Tribe an assured economic independence; and to provide for the proper exercise by the Tribe of various functions heretofore performed by the Department of the Interior, the aforesaid Tribe is hereby chartered as a body politic and corporate of the name "The Walker River Paiute Tribe".

2. Perpetual Succession. The Walker River Paiute Tribe shall, as a Federal Corporation, have perpetual succession.

3. Membership. The Walker River Paiute Tribe shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Tribe, as provided by its duly ratified and approved Constitution and By-laws.

4. Management. The Walker River Paiute Tribal Council established in accordance with the said Constitution and By-laws of the Tribe, shall exercise all the corporate powers hereinafter enumerated.

5. Corporate Powers. The Tribe, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of the said Tribe, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the tribal Constitution and By-laws:

(a) To adopt, use, and alter at its pleasure a corporate seal.

(b) To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

- (1) No sale or mortgage may be made by the Tribe of any land or interests in land, including mineral rights, now or hereafter held by the Tribe within the boundaries of the Walker River Paiute Reservation.
- (2) No leases or permits (which terms shall not include land assignments to members of the Tribe) covering any land or interests in land now or hereafter held by the Tribe within the boundaries of the Walker River Paiute Reservation shall be made by the Tribe for a longer term than five years, and all such leases, permits or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but mineral leases or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.
- (3) No action shall be taken by or in behalf of the Tribe which in any way operates to destroy or injure the tribal grazing lands or other natural resources of the Walker River Reservation. All leases or permits relating to the use of tribal grazing lands shall conform to regulations of the Secretary of the Interior authorized by Section 7 of the Act of June 18, 1934, with respect to range carrying capacity and other matters therein specified. Conformity to such regulations shall be made a condition of any such lease or permit whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.

(c) To issue interests in corporate property in exchange for restricted Indian lands, the forms for such interests to be approved by the Secretary of the Interior.

(d) To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934, (48 Stat. 984), or from any other governmental agency, or from any member or association of members of the Tribe, and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or associations of members of the Tribe; Provided, That the amount of indebtedness to which the Tribe may subject itself, aside from loans from the Indian Credit Fund, shall not exceed \$3,000, except with the express approval of the Secretary of the Interior.

(e) To engage in any business that will further the economic well-being of the members of the Tribe or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this Charter.

(f) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this Charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of Nevada, including agreements with the State of Nevada for the rendition of public services: Provided: That all contracts involving payment of money by the corporation in excess of \$300 in any one year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(g) To pledge or assign chattels or future tribal income due or to become due to the Tribe: Provided, That no such assignment of tribal income, other than an assignment to the United States, shall extend more than ten years from the date of execution and shall not amount for any one year to more than one-half of the net tribal income from any one source: And provided further, That any such pledges or assignments shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(h) To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the Tribe.

(i) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the Tribe or by the United States to the levy of any judgment, lien or attachment upon the property of the Tribe other than income or chattels specially pledged or assigned.

(j) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

6. Termination of Supervising Powers. Upon request of the Walker River Paiute Tribal Council for the termination of any supervisory power reserved to the Secretary of the Interior under Sections 5 (b) 2, 5 (c), 5 (d), 5 (f), 5 (g), 5 (h), and Section 8 of this Charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination for ratification by the Tribe. The termination shall be effective upon ratification by a majority vote of the adult members of the Tribe residing on the Reservation, at an election in which at least 30 percent of the eligible voters vote. If at any time after ten years from the date of approval of this Charter the Secretary shall disapprove a request for the termination of any such power, or fail to approve or disapprove it within 90 days after its receipt, the question of its termination may then be submitted by the Secretary, or by the Tribal Council, to popular referendum of the adult members of the Tribe actually living within the Reservation, and if the termination is approved by two-thirds of the eligible voters, it shall be effective.

7. Corporate Property. No property rights of the Walker River Paiute Tribe shall be in any way impaired by anything contained in this Charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals is hereby expressly recognized. The individually owned property of members of the Tribe shall not be subject to any corporate debts or liabilities, without such owners' consent. Any existing lawful debts of the Tribe shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

8. Corporate Dividends. The Tribe may issue to each of its members a nontransferable certificate of membership evidencing the equal share of each member in the assets of the Tribe and may distribute per capita, among the recognized members of the Tribe, all income of the Tribe over and above sums necessary to defray corporate obligations to members of the Tribe or to other persons, and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the costs of public enterprises, the expenses of tribal government, the needs of charity, or other corporate purpose. No such distribution of profits in any one year amounting to a distribution of more than one-half of the accrued surplus,

shall be made without the approval of the Secretary of the Interior. No financial assets of the Tribe shall be distributed except as provided herein.

9. Corporate Accounts. The officers of the Tribe shall maintain accurate and complete public accounts of the financial affairs of the Tribe, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Tribe to the Commissioner of Indian Affairs.

10. Amendments. This Charter shall not be revoked or surrendered except by act of Congress, but amendments may be proposed by resolutions of the Tribal Council which if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members living on the Reservation at a popular referendum in which at least 30 percent of the eligible voters vote.

11. Ratification. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Walker River Paiute Tribe living on the Walker River Paiute Reservation, provided at least 30 percent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Carson Agency and the Chairman and Secretary of the Walker River Paiute Tribal Council.

Submitted by the Secretary of the Interior for ratification by the Walker River Paiute Tribe of the Walker River Indian Reservation in a popular referendum to be held on May 8, 1937.

HAROLD L. ICKES,
Secretary of the Interior.

WASHINGTON, D. C., May 4, 1937.

CERTIFICATION

Pursuant to section 17 of the Act of June 18, 1934 (48 Stat. 984), this charter, issued on May 4, 1937, by the Secretary of the Interior to the Walker River Paiute Tribe of the Walker River Reservation, Nevada, was duly submitted for ratification to the adult Indians living on the reservation and was on May 8, 1937, duly approved by a vote of 98 for, and 5 against, in an election in which over 30 percent of those entitled to vote cast their ballots.

McKINLEY POWELL,
Chairman, Walker River Paiute Tribal Council.

ROBERT JOHNSON,
Secretary, Walker River Paiute Tribal Council.

ALIDA C. BOWLER,
Superintendent of the Carson Agency.

CONSTITUTION AND BY-LAWS OF THE WALKER RIVER PAIUTE

TRIBE OF NEVADA

Approved March 26, 1937

PREAMBLE

We, the members of the Walker River Paiute Tribe of the Walker River Reservation in Nevada, in order to establish a more unified tribal organization and to insure and promote the best interests of our society, industry, prosperity, and the general welfare of ourselves and our posterity do hereby establish this Constitution and By-laws.

ARTICLE I — TERRITORY

The jurisdiction of the Walker River Paiute Tribe under this Constitution and By-laws shall extend to the territory within the confines of the Walker River Reservation as established by Executive Order dated March 19, 1874, under the administration of U. S. Grant, and to such other lands that have been added thereto, or may be hereafter added thereto.

ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Walker River Paiute Tribe shall consist as follows:

(a) All persons of Indian blood whose names appear on the official census roll of the Walker River Paiute Tribe at the Carson Indian Agency as of January 1, 1935: Provided, That within one (1) year from the adoption and approval of this Constitution and By-laws corrections may be made in said roll by the Tribal Council, subject to the approval of the Secretary of the Interior.

(b) All children born to any member of the Walker River Paiute Tribe who is a resident of the Walker River Reservation at the time of the birth of said children.

(c) Any person of one-half or more Indian blood married to a member of the Walker River Paiute Tribe, provided such person requests, in writing, admission to the Tribe and declares his willingness to renounce his membership in or affiliation with any other tribe.

SEC. 2. The Tribal Council shall have power to promulgate ordinances, subject to review by the Secretary of the Interior, covering future membership including adoptions and the loss of membership.

ARTICLE III — GOVERNING BODY

SECTION 1. The governing body of the Walker River Paiute Tribe shall consist of a council known as the "Walker River Paiute Tribal Council".

SEC. 2. This Tribal Council shall consist of seven (7) members duly elected to serve three years.

SEC. 3. The Tribal Council shall select from the members of the Council, (1) a Chairman; (2) a Vice Chairman; and from within or without, (3) a Secretary; and (4) a Treasurer. The Tribal Council may appoint or employ such other officers and committees as may be deemed necessary. Officers shall be elected annually at the first meeting of the Council, after the annual election of councilmen, and shall serve until the first council meeting after the next annual election.

SEC. 4. The first election for the Tribal Council hereunder shall be called, held and supervised by the present Tribal Council, within sixty (60) days after ratification and approval of this Constitution. The three (3) candidates for councilmen receiving the highest number of votes shall serve until the annual election in November, 1939; the two (2) candidates receiving the next highest number of votes shall serve until the annual election in November, 1938; and the two (2) candidates receiving the third highest number of votes shall serve until the annual election in November, 1937, and they shall hold office until their successors are duly elected and qualified.

ARTICLE IV -- ELECTIONS AND NOMINATIONS FOR THE TRIBAL COUNCIL

SECTION 1. All enrolled members of the Walker River Paiute Tribe twenty-one (21) years of age or over who have maintained legal residence on the Reservation for a period of one (1) year immediately prior to any election, shall have the right to vote.

SEC. 2. All elections shall be by secret ballot.

SEC. 3. After the first election, elections shall be held every year on the third Tuesday of November and newly elected officers shall assume their duties on the first day of December following the election.

SEC. 4. Nomination of candidates for office under this Constitution shall be by petition signed by not less than ten (10) legal voters. A voter may sign only one petition for each office. Petitions for nomination shall be filed with the Secretary of the Tribal Council at least thirty (30) days prior to the election for which the candidate makes such petition. The list of qualified candidates shall be posted by the Secretary of the Tribal Council at the Agency office and in not less than two conspicuous places on the Reservation two weeks prior to the election.

SEC. 5. All elections shall be held in accordance with rules and regulations laid down by the Tribal Council or by an election board appointed by the Tribal Council.

ARTICLE V -- VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If an officer or a member of the Council shall die, resign, be removed or recalled from office, permanently leave the Reservation or shall be found guilty of a felony or misdemeanor involving dishonesty, in any Indian, State or Federal court, the Tribal Council shall declare the position vacant and appoint to fill the unexpired term.

SEC. 2. The Tribal Council may by the affirmative vote of four (4) members expel any member for neglect of duty or gross misconduct. Before any vote for expulsion is taken in the matter, such member or officer shall be given an opportunity to answer any or all charges at a designated council meeting and the decision of the Tribal Council shall be final.

SEC. 3. Recall from office. Upon receipt of a petition signed by one-third (1/3) of the eligible voters calling for the recall of any member of the Tribal Council, it shall be the duty of the Council to call an election on such recall petition. No member may be recalled in any such election unless at least thirty (30) percent of the legal voters of the Tribe shall vote at such election.

ARTICLE VI -- POWERS OF THE TRIBAL COUNCIL

SECTION 1. Enumerated powers. The Tribal Council shall exercise the following powers, subject to any limitations imposed by the Constitution or Statutes of the United States, and subject further to all express restrictions upon such powers contained in this Constitution and the attached By-laws:

(a) To negotiate with the Federal, State, and local Governments on behalf of the Tribe and to advise and consult with the representatives of the Interior Department on all activities of the Department that may affect the Walker River Paiute Tribe.

(b) To employ counsel for the protection and advancement of the rights of the Tribe and its members, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To approve or veto any sale, disposition, lease, or encumbrance of tribal lands, interests in lands or other tribal assets, which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other qualified official or agency of government: Provided, That no tribal lands shall ever be leased for a period exceeding ten years, sold, or encumbered, except for governmental or public service purposes.

(d) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Tribe prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To make assignments of tribal land to members of the Tribe and to regulate the leasing of assignments in conformity with Article VIII of this Constitution.

(f) To manage all economic affairs and enterprises of the Tribe in accordance with the terms of a charter which may be issued to the Tribe by the Secretary of the Interior.

(g) To appropriate for public purposes of the Walker River Paiute Tribe available funds within the exclusive control of the Tribe, and, subject to review by the Secretary of the Interior, any other available tribal funds.

(h) To levy assessments upon members of the Tribe and to require the performance of reservation labor in lieu thereof, and to levy assessments or license fees, subject to review by the Secretary of the Interior, upon nonmembers doing business within the Reservation: Provided, however, That any such assessment upon members of the Tribe shall have the approval of the eligible voters of the Tribe at a special election at which thirty percent (30%) of the eligible voters shall vote.

(i) To purchase lands of members of the Tribe for public purposes, under condemnation proceedings in courts of competent jurisdiction.

(j) To safeguard and promote the peace, safety, morals, and general welfare of the Tribe by regulating the conduct of trade and the use and disposition of property upon the Reservation: Provided, That any ordinance directly affecting nonmembers of the Tribe shall be subject to review by the Secretary of the Interior: And provided further, That nonrestricted property of members which was obtained outside of any help or assistance of the Government or the Tribe may be disposed of without restrictions.

(k) To regulate the inheritance of property, real and personal, other than allotted lands, within the territory of the Walker River Reservation, subject to review by the Secretary of the Interior.

(l) To regulate the manner of making nominations for tribal offices and of holding elections.

(m) To adopt resolutions regulating the procedure of the Tribal Council itself and of other tribal agencies and tribal officials.

(n) To encourage and foster the arts, crafts, traditions, and culture of the Walker River Paiute Tribe.

(o) To charter subordinate organizations for economic purposes and to regulate the activities of such cooperative associations of members of the Tribe, under ordinances which shall be subject to review by the Secretary of the Interior.

(p) To protect and preserve the property, wild life, and natural resources of the Tribe.

(q) To delegate to subordinate boards, or tribal officials, or to cooperative associations which are open to all members of the Tribe, any of the foregoing powers, reserving the right to review any actions taken by virtue of such delegated power.

SEC. 2. Any resolution or ordinance, which, by the terms of this Constitution, is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the Reservation, who shall, within ten (10) days thereafter, approve or disapprove the same. If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within ninety (90) days from the date of enactment, rescind the said ordinance or resolution for any cause by notifying the Tribal Council of such decision.

If the Superintendent shall refuse to approve any resolution or ordinance submitted to him within ten (10) days of its enactment, he shall advise the Tribal Council of his reasons therefor. If these reasons appear to the Tribal Council insufficient, it may by a majority vote refer the ordinance or resolution to the Secretary of the Interior, who may, within ninety (90) days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

SEC. 3. Future powers. The Tribal Council may exercise such further powers as may in the future be delegated to the Tribe by the Secretary of the Interior, or by any duly authorized official or agency of the State or Federal Government.

SEC. 4. Reserved powers. Any rights and powers heretofore vested in the Walker

River Paiute Tribe, but not expressly referred to in this Constitution, shall not be abridged by this Article, but may be exercised by the people of the Walker River Tribe, through the adoption of appropriate by-laws and constitutional amendments.

ARTICLE VII -- REFERENDUM

Any exercise of any enumerated powers lodged in the Tribal Council shall be subject to a referendum vote of the people upon a written petition signed by not less than 25 percent of the total number of voters in the last annual election: Provided, That not less than 30 percent of the eligible voting population shall vote in any such referendum.

ARTICLE VIII -- LAND

SECTION 1. Allotted lands, including heirship lands, within the Walker River Reservation shall continue to be held as heretofore by their present owners. It is recognized that under existing law, such lands may be condemned for public purposes, such as roads, public buildings or other public improvements, upon payment of adequate compensation by any agency of the State of Nevada or of the Federal Government or by the Tribe itself. It is further recognized that under existing law, such lands may be inherited by the heirs of the present owner, whether or not they are members of the Walker River Paiute Tribe. Likewise, it is recognized that under existing law, the Secretary of the Interior may, in his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to State taxes and may then be mortgaged or sold. The right of the individual Indian to hold or to lose his land under existing law shall not be abrogated by anything contained in this Constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Walker River Paiute Tribe either in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

SEC. 2. Tribal lands of the Walker River Paiute Tribe and all lands which may hereafter be acquired by the Walker River Paiute Tribe or by the United States in trust for the Walker River Paiute Tribe shall be held as tribal lands, and no part of such lands shall be mortgaged or sold.

SEC. 3. Tribal lands shall not be allotted to individual Indians, but such tribal lands as are not required for school, agency, or other administrative use may be assigned by the Tribal Council to members of the Walker River Paiute Tribe, or may be leased or otherwise used by the Tribe as hereinafter provided for.

SEC. 4. Tribal lands may be leased by the Tribal Council with the approval of the Secretary of the Interior in accordance with law. Preference shall be given; first, to Indian cooperative associations; and second, to individual Indians who are members of the Walker River Paiute Tribe. No lease of tribal lands to a non-member shall be made by the Tribal Council unless it shall appear that no Indian cooperative association or individual member of the Tribe is able and willing to use the land and to pay a reasonable fee for such use.

SEC. 5. In any assignment of tribal lands which are now owned by the Tribe or which may hereafter be acquired for the Tribe by the United States or purchased by the Tribe out of tribal funds, or which may be designated for the use of the Tribe, preference shall be given; first, to heads of families which are entirely landless;

and second, to heads of families which have no allotted lands or interests in allotted lands, but shall have already received assignments consisting of less than an economic unit of agricultural land or other land or interests in land of equal value, such economic unit to be determined by the Tribal Council in ordinances which shall be subject to review by the Secretary of the Interior or his designated representatives. Assignments under this section shall be known as "Standard" assignments.

No member of the Tribe who may hereafter have the restrictions upon his land removed and whose land may thereafter be alienated shall be entitled to receive an assignment of land as a landless Indian.

The Tribal Council may, if it sees fit, charge a fee of \$5.00 on approval of an assignment made under this Section.

SEC. 6. If any person holding a standard assignment of land shall for a period of two years fail to use the lands so assigned or shall use the land for any unlawful purpose, his assignment may be cancelled by the Tribal Council after due notice and opportunity to be heard. Such land may then be available for reassignment.

Upon the death of any Indian holding a standard assignment, his heirs or other individuals designated by him by written request shall have preference in the reassignment of the land, provided such persons are eligible to receive a standard assignment.

SEC. 7. Any member of the Walker River Paiute Tribe who owns an allotment of land or any share in heirship land or any deeded land may, with the approval of the Secretary of the Interior, voluntarily transfer his interest in such land to the Tribe and receive therefor an assignment to the same land or other land of equal value or he may receive a proportionate share in a unit of agricultural or other land.

Assignments made under this Section shall be known as "Exchange" assignments.

SEC. 8. Exchange assignments may be used by the assignee or leased by him to Indian cooperative associations, to individual members of the tribe, or if no individual Indian or Indian cooperative association is able and willing to lease the land at a reasonable fee, such assignments may be leased to non-Indians in the same manner as allotted lands.

SEC. 9. Upon the death of a holder of any exchange assignment, the land shall be reassigned by the Tribal Council to his heirs or devisees, subject to the following conditions:

(a) Such lands may not be reassigned to any heir or devisee who is not a member of the Walker River Paiute Tribe, except that a life assignment may be made to the surviving spouse or child of the holder of such assignment.

(b) Such lands may not be reassigned to any heir or devisee who already owns or holds more than an economic unit of land. Such economic unit of land shall be determined by the Tribal Council.

(c) Such land may not be subdivided into units too small for practical use. The Tribal Council shall determine the practical subdivisions of the land in each

case. If the land cannot be properly subdivided, the Tribal Council may issue to each heir or devisee a proportionate share in other lands or other interests in land of equal value.

(d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment the same as other tribal lands.

SEC. 10. Improvements of any character made upon assigned land may be willed to and inherited by members of the Walker River Paiute Tribe. When improvements are not possible of fair division, the Tribal Council shall dispose of them under such regulations as it may provide for the benefit of such heirs. No permanent improvements may be removed from any tribal or assigned land without the consent of the Tribal Council.

SEC. 11. No member of the Walker River Paiute Tribe may use or occupy tribal lands except under an assignment or lease.

SEC. 12. Unassigned land shall be managed by the Tribal Council for the benefit of the members of the entire Tribe in conformity with the rules and regulations prescribed by the Secretary of the Interior under Section 6 of the Act of June 18, 1934 (48 Stat. 984).

SEC. 13. Tribal funds may be used, with the consent of the Secretary of the Interior, to acquire land for the Walker River Paiute Tribe.

SEC. 14. Applications for assignment of land shall be made in writing. Such applications shall be submitted to the Tribal Council at regular or special sessions. The application will be placed in the hands of a proper committee who will call the matter up for action at the next regular meeting of the Tribal Council. Any member of the Tribe may object in writing to a proposed assignment. In the event of objection, the Chairman of the Tribal Council shall set a date for a hearing, advising both the applicant and the objector. The action of the Council shall be final.

The Secretary of the Tribal Council shall furnish the Superintendent, or other officer in charge of the Agency, a complete record of all action taken by the Tribal Council on applications for assignment of land, and a complete record of assignments shall be kept in the Agency office and shall be open for inspection by members of the Tribe.

The Tribal Council shall draw up one or more forms for standard and exchange assignments, which shall be subject to the approval of the Secretary of the Interior.

ARTICLE IX -- AMENDMENTS

This Constitution and By-Laws may be amended by a majority vote of the Walker River Paiute Tribe voting at an election called for that purpose by the Secretary of the Interior: Provided, That at least thirty (30) percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment upon receipt of a written resolution of the Tribal Council signed by at least a majority of the membership of the Tribal Council.

BY-LAWS OF THE WALKER RIVER PAIUTE TRIBE

ARTICLE I -- DUTIES OF OFFICERS

SECTION 1. The Chairman of the Tribal Council shall preside at all meetings of the Council. He shall also be the presiding officer at any General Council Meeting. He shall at all times have general supervision of the affairs of the Tribal Council and such matters as naturally pertain to the general welfare of the community. It shall be the duty of the Chairman to countersign all checks drawn by the Treasurer against funds of the organization.

SEC. 2. The Vice Chairman shall, in the absence of the Chairman, preside at all meetings of the Tribal Council and shall act in his stead in all matters pertaining to the office of Chairman.

SEC. 3. The Secretary shall keep an accurate record of all proceedings of the Tribal Council and furnish copies thereof to the Superintendent and the Commissioner of Indian Affairs. He shall attend to the keeping of the official records of the Tribal Council and shall be responsible for the prompt and efficient handling of all correspondence pertaining to the business of the Tribal Council and the Tribe. All official records of the tribal Secretary shall be open to inspection by the members of the Tribe at all times.

SEC. 4. The Treasurer shall be the custodian of all funds in possession of the Tribe from any source. He shall be under bond with a surety company of recognized standing in an amount to be determined by the Tribal Council, such surety company and bond to be approved by the Commissioner of Indian Affairs. He shall keep an accurate record of all such funds and shall disburse the same in accordance with the vote of the Tribal Council and as designated by this Constitution and By-laws. The books of the Treasurer containing the financial status of the Tribe shall be open to audit and examination by the duly authorized officers of the Secretary of the Interior at all times.

The records of the Treasurer shall be open to inspection by members of the Tribal Council and its officers.

SEC. 5. The subordinate officers, boards, and committees of the Tribal Council shall perform such duties as the Tribal Council shall, by resolution, from time to time provide.

ARTICLE II -- QUALIFICATIONS OF OFFICE

SECTION 1. Any person elected to membership in the Tribal Council shall be not less than twenty-five (25) years of age, a member of the Walker River Paiute Tribe, and a bona fide resident of the territory of the Tribe for at least one (1) year prior to election.

ARTICLE III -- OATH OF OFFICE

Each member of the Tribal Council and each officer or subordinate officer elected or appointed hereunder shall take an oath of office prior to assuming the duties thereof by which oath he shall pledge himself to support and defend the Constitution of the United States and this Constitution and By-laws.

The following form of oath of office shall be given: "I _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies; carry out faithfully and impartially the duties of my office to the best of my ability; and promote and protect the best interests of my people in accordance with this Constitution and By-laws."

ARTICLE IV — SALARIES

SECTION 1. Salaries of tribal officials shall not be paid from tribal funds in the Treasury of the United States nor changed in amount unless approved by the Tribe at an election.

SEC. 2. The members of the Tribal Council, boards, and committees shall be paid for expenses incurred in the interest of the community out of any available tribal funds when previously authorized by the Tribal Council.

ARTICLE V — MEETINGS

SECTION 1. Regular meetings of the Tribal Council shall be held monthly on the date fixed by the Council.

SEC. 2. Special meetings may be called by a written notice signed by the Chairman or a majority of the Tribal Council, and when so called, the Tribal Council shall have power to transact business as in the regular meetings.

SEC. 3. No business shall be transacted unless a quorum is present which shall consist of four (4) members of the Tribal Council.

SEC. 4. The following order of business is established for all meetings:

- Call to order by Chairman.
- Roll call.
- Reading the minutes of last meeting.
- Unfinished business.
- Reports.
- New business.
- Adjournment.

SEC. 5. Ordinances. All final decisions of the Tribal Council on matters of general and permanent interest to the members of the Tribe shall be embodied in ordinances. Such ordinances shall be collected and published from time to time for the information and education of the members of the Tribe.

SEC. 6. Resolutions. All final decisions of the Tribal Council on matters of temporary interest (such as action on the Reservation budget for a single year, or petitions to Congress or the Secretary of the Interior) or relating especially to particular individuals or officers (such as adoption of members and instructions for tribal employees) or rules of order for the Council shall be embodied in resolutions. Such resolutions shall be recorded in a special book which shall be open for inspection by the members of the Tribe.

SEC. 7. Procedure. All questions of procedure (such as acceptance of committee reports or invitations to outsiders to speak) shall be decided by motion of the

Tribal Council or by the ruling of the Chairman if no objection is heard. In all ordinances, resolutions, or motions the Tribal Council may act by majority vote, but all matters of importance shall be fully discussed and a reasonable attempt shall be made to secure unanimous agreement.

SEC. 8. Every resolution shall begin with the words: "Be it resolved by the Tribal Council of the Walker River Paiute Tribe." Every ordinance shall begin with the words: "Be it enacted by the Tribal Council of the Walker River Paiute Tribe."

ARTICLE VI — COOPERATION

The Tribal Council shall work in very close cooperation with the Indian Service and the various departments of the State of Nevada in matters of charity, education, recreation, social work, and public health, and in land assignments, with the Superintendent of the jurisdiction.

ARTICLE VII — ADOPTION OF CONSTITUTION AND BY-LAWS

This Constitution and By-laws, when ratified by a majority of the qualified voters of the Walker River Paiute Tribe, voting at a special election called for the purpose by the Secretary of the Interior, in which at least thirty (30) percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior, and if approved, shall be effective from the date of approval.

I, Charles West, acting Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and By-laws of the Walker River Paiute Tribe.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution and By-laws are hereby declared inapplicable to these Indians.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and By-laws.

Approval recommended March 19, 1937.

JOHN COLLIER,
Commissioner of Indian Affairs.

CHARLES WEST,
Acting Secretary of the Interior.

[SEAL]

WASHINGTON, D.C., March 26, 1937.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved November 13, 1936, by the Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the Walker River Paiute Tribe of the Walker River Reservation in Nevada, and was on February 20, 1937, duly passed by a vote of 123 for, and 18 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934, (48 Stat. 984), as amended by the Act of June 15, 1935, (49 Stat. 378).

JOHN CLEVELAND,
Chairman of Election Board.

BERT SUMMERFIELD,
Secretary of Election Board.

ALIDA C. BOWLER,
Superintendent in charge of the Reservation.

AMENDMENT — CONSTITUTION AND BY-LAWS OF THE WALKER RIVER PAIUTE TRIBE OF NEVADA

AMENDMENT I.

Article VI, Section I shall be amended by redesignating the present subsection (q) as subsection (r) and by adding the following subsection as a new subsection (q):

"(q) To regulate the domestic relations of members of the Tribe, and, subject to review by the Secretary of the Interior, to promulgate and enforce ordinances governing the conduct of members of the Walker River Reservation in Nevada, and providing for the maintenance of law and order and the administration of justice by establishing a reservation court and defining its duties and powers."

CERTIFICATION OF ADOPTION

Pursuant to an order approved April 5, 1945, by the Assistant Secretary of the Interior, the attached Amendment to the Constitution and By-laws of the Walker River Paiute Tribe of Nevada, was submitted for ratification to the qualified voters of the reservation, and on April 28, 1945, was duly ratified by a vote of 124 for, and 4 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with Section 16, of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (49 Stat. 378).

PETER JOHNSON,
Chairman, Tribal Council.

CLEVELAND BOBB,
Secretary, Tribal Council.

RALPH M. GELVIN,
Superintendent, Carson Agency.

I, Oscar L. Chapman, the Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the foregoing Amendment I, amending Article VI, Section 1 of the Constitution and By-laws of the Walker River Paiute Tribe.

Approval recommended.

J.C. McCASKILL,
Assistant Commissioner

OSCAR L. CHAPMAN,
Assistant Secretary.

WASHINGTON, D.C., July 12, 1945.

[SEAL]

CORPORATE CHARTER OF THE YERINGTON PAIUTE TRIBE OF
THE STATE OF NEVADA

Ratified April 10, 1937

A Federal Corporation Chartered Under the Act of June 18, 1934.

Whereas, the Yerington Paiute Tribe in the State of Nevada constitutes a recognized Indian Tribe organized under a Constitution and By-Laws ratified by the Indians living within the Yerington Colony Site on December 12, 1936, and approved by the Secretary of the Interior on January 4, 1937, pursuant to Section 16 of the Act of June 18, 1934, (48 Stat. 984), as amended by the Act of June 15, 1936, (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Tribe have petitioned that a charter of incorporation be granted to such Tribe, subject to ratification by a vote of the adult Indians living within the territory of the Tribe;

Now, therefore, I, Charles West, Acting Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934 (48 Stat. 983), do hereby issue and submit this Charter of incorporation to the Yerington Paiute Tribe of Nevada to be effective from and after such time as it may be ratified by a majority vote of the adult members of the Yerington Paiute Tribe living within the Yerington Colony Site at an election in which at least 30 percent of the eligible voters vote.

1. Corporate Existence. In order to further the economic development of the Yerington Paiute Tribe in the State of Nevada by conferring upon the said Tribe certain corporate rights, powers, privileges and immunities; to secure for the members of the Tribe an assured economic independence; and to provide for the proper exercise by the Tribe of various functions heretofore performed by the Department of the Interior, the aforesaid Tribe is hereby chartered as a body politic and corporate under the United States of America, under the corporate name "The Yerington Paiute Tribe".

2. Perpetual Succession. The Yerington Paiute Tribe shall, as a Federal Corporation, have perpetual succession.

3. Membership. The Yerington Paiute Tribe shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Tribe, as provided by its duly ratified and approved Constitution and By-laws.

4. Management. The Yerington Paiute Tribal Council established in accordance with the said Constitution and By-laws of the Tribe, shall exercise all the corporate powers hereinafter enumerated.

5. Corporate powers. The Tribe, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of the said Tribe, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the tribal Constitution and By-laws:

(a) To adopt, use, and alter at its pleasure a corporate seal.

(b) To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

- (1) No sale or mortgage may be made by the Tribe of any land or interests in land, including mineral rights, now or hereafter held by the Tribe.
- (2) No leases or permits (which terms shall not include land assignments to members of the Tribe) covering any land or interests in land now or hereafter held by the Tribe shall be made by the Tribe for a longer term than five years, and all such leases, permits or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but mineral leases or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.
- (3) No action shall be taken by or in behalf of the Tribe which in any way operates to destroy or injure the tribal grazing lands or other natural resources of the Tribe. All leases or permits relating to the use of tribal grazing lands shall conform to regulations of the Secretary of the Interior authorized by Section 6 of the Act of June 18, 1934, with respect to range carrying capacity and other matters therein specified. Conformity to such regulations shall be made a condition of any such lease or permit whether or not such agreement requires the approval of the Secretary of the Interior, and violations of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.

(c) To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934, (48 Stat. 984), or from any other governmental agency, or from any member or association of members of the Tribe, and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or associations of members of the Tribe; Provided, That the amount of indebtedness to which the Tribe may subject itself, aside from loans from the Indian Credit Fund, shall not exceed \$2,000, except with the express approval of the Secretary of the Interior.

(d) To engage in any business that will further the economic well-being of the members of the Tribe or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this Charter.

(e) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this Charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of Nevada for the rendition of public services; Provided, That all contracts involving payment of money by the corporation in excess of \$200 in any one fiscal year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(f) To pledge or assign chattels or future tribal income due or to become due to the Tribe: Provided, That such assignments of tribal income shall not extend more than ten years from the date of execution and shall not amount for any one year to more than one-half of the net tribal income in the preceding year: And provided

further, That any such agreement shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(g) To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the Tribe.

(h) To sue and to be sued in court of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the Tribe or by the United States to the levy of any judgment, lien or attachment upon the property of the Tribe other than income or chattels specially pledged or assigned.

(i) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

6. Termination of Supervisory Powers. Upon the request of the Yerington Paiute Tribal Council for the termination of any supervisory power reserved to the Secretary of the Interior under Sections 5 (b) (2), 5 (c), 5 (e), 5 (f), 5 (g), and Section 8 of this charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination for ratification by the Tribe. The termination shall be effective upon ratification by a majority vote of the adult members of the Tribe residing within the territory of the Tribe, at an election in which at least thirty percent of the eligible voters vote. If, at any time after ten years from the date of approval of this Charter, the Secretary shall disapprove a request for the termination of any such power, or fail to approve or disapprove it within 90 days after its receipt, the question of its termination may then be submitted by the Secretary or by the Tribal Council to popular referendum of the adult members of the Tribe actually living within the territory of the Tribe, and if the termination is approved by two-thirds of the eligible voters it shall be effective.

7. Corporate Property. No property rights of the Yerington Paiute Tribe shall be in any way impaired by anything contained in this Charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals is hereby expressly recognized. The individually owned property of members of the Tribe shall not be subject to any corporate debts or liabilities, without such owners' consent. Any existing lawful debts of the Tribe shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

8. Corporate Dividends. The Tribe may issue to each of its members a non-transferable certificate of membership evidencing the equal share of such member in the assets of the Tribe and may distribute per capita among the recognized members of the Tribe, all income of the Tribe over and above sums necessary to defray corporate obligations to members of the tribe or other persons and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the cost of public enterprises, the expenses of tribal government, the needs of charity, or other corporate purposes. Any such distribution of profits in any one year amounting to a distribution of more than one-half of the accrued surplus, shall not be made without the approval of the Secretary of the Interior. No financial assets of the Tribe shall be distributed except as provided herein.

9. Corporate Accounts. The officers of the Tribe shall maintain accurate and complete public accounts of the financial affairs of the Tribe, which shall clearly show all credits, debts, pledges and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Tribe to the Commissioner of Indian Affairs.

10. Amendments. This Charter shall not be revoked or surrendered except by act of Congress, but amendments may be proposed by resolutions of the Tribal Council which, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members living within the territory of the Tribe at a popular referendum in which at least 30 percent of the eligible voters vote.

11. Ratification. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Yerington Paiute Tribe living within the Yerington Colony Site, provided at least 30 percent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Carson Indian Agency and the Chairman and Secretary of the Yerington Paiute Tribal Council.

Submitted by the Acting Secretary of the Interior for ratification by the Yerington Paiute Tribe in a popular referendum to be held on April 10, 1937.

CHARLES WEST,
Acting Secretary of the Interior.

[SEAL]

WASHINGTON, D.C., March 24, 1937.

CERTIFICATION

Pursuant to section 17 of the Act of June 18, 1934 (48 Stat. 984), this charter, issued on March 24, 1937, by the Secretary of the Interior to the Yerington Paiute Tribe in the State of Nevada, was duly submitted for ratification to the adult Indians living within the territory of the Tribe, and was on April 10, 1937, duly passed by a vote of 36 for, and 6 against, in an election in which over 30 percent of those entitled to vote cast their ballots.

RICHARD CONWAY,
Chairman of the Tribal Council.

ADA PHOENIX,
Secretary of the Tribal Council.

ALIDA C. BOWLER,
Superintendent in Charge.

CONSTITUTION AND BY-LAWS OF THE YERINGTON PAIUTE
TRIBE, NEVADA

Approved January 4, 1937

PREAMBLE

We, the Indians residing on the Indian Reservation at Yerington, Nevada, known as the Yerington Colony Site, in order to establish a legal organization and secure certain privileges and powers offered to us by the Indian Reorganization Act, and to create governing units through which we may properly assume our new responsibilities, do hereby ordain and establish this Constitution and By-laws for the Yerington Paiute Tribe.

ARTICLE I — TERRITORY

The jurisdiction of the Yerington Paiute Tribe shall extend to the present Colony Site and to such other land as may hereafter be acquired by the Tribe, or by the United States in trust for said Tribe.

ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Yerington Paiute Tribe shall consist of the following:

(a) Any person of Paiute Indian blood who is a resident of the Yerington Colony Site at the time of the adoption of this Constitution and By-laws shall be a member of the Tribe.

(b) Any Paiute Indian residing in Smith and Mason Valleys at the time of the adoption of this Constitution and By-laws, whose name appears on the official Indian census roll of Smith and Mason Valleys as of January 1, 1935, shall be a member of the Tribe upon written application to the Yerington Paiute Tribal Council.

(c) Any child, born to a member of the Yerington Paiute Tribe, provided such member is a resident of lands within the jurisdiction of the Tribe at the time of birth of said child, shall be a member of the Tribe.

SEC. 2. The Tribal Council except as provided in section 1 (b) of this Article, shall have the power, by an affirmative vote of two-thirds to admit to tribal membership:

(a) Persons of Paiute Indian blood married to a member of the Yerington Paiute Tribe.

(b) Any person of one-half or more Indian blood married to a member of the Tribe.

SEC. 3. The Tribal Council shall cancel the membership of any adult person who makes application to sever his or her tribal relations, and thereafter such person shall cease to hold membership in the Tribe.

ARTICLE III -- GOVERNING BODY

SECTION 1. The governing body of the Yerington Paiute Tribe shall consist of a council known as the Yerington Paiute Tribal Council.

SEC. 2. The Tribal Council shall be composed of seven councilmen elected by secret ballot.

SEC. 3. The Tribal Council so organized shall elect from its own members, (a) a chairman and (b) a vice-chairman; and from within or without its own members, (c) a secretary, (d) a treasurer and such other officers and committees as may be deemed necessary.

SEC. 4. Councilmen shall hold office for a term of two years or until their successors are elected.

ARTICLE IV -- NOMINATIONS AND ELECTIONS

SECTION 1. All enrolled members of the Yerington Paiute Tribe who are 21 years of age or over, and who have maintained a legal residence on lands within the jurisdiction of the Tribe for a period of one year immediately prior to any election, are qualified voters at such election.

SEC. 2. Within 30 days after the ratification and approval of this Constitution and By-laws, an election shall be conducted by the Constitution Committee for the purpose of electing the members of the Council, and thereafter elections shall be held every two years on the first Saturday in December.

SEC. 3. The Tribal Council, or a board appointed by the Council, shall determine rules and regulations governing elections, and shall certify to the election of the members of the Council within one day after the election returns.

ARTICLE V -- VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a councilman or other official shall die, resign, permanently leave the colony, or be removed from office, the Council shall declare the office vacant and appoint a successor to fill the vacancy until the next regular election.

SEC. 2. Any councilman who is proven guilty of improper conduct or gross neglect of duty may be expelled from the Council by a two-thirds vote of the Council members: Provided, That the accused member is given full opportunity to reply to any and all charges at a designated Council meeting, and provided, further, that the accused member shall have been given a written statement of the charges against him at least five days before the meeting at which he is to be given an opportunity to reply.

SEC. 3. Upon a petition of at least one-third of the eligible voters of the Yerington Paiute Tribe it shall be the duty of the Tribal Council to call a special election to consider the recall of a member of the Council. In the event that a majority of those voting favor such recall, the office of said member shall be declared vacant and the Tribal Council shall proceed to fill the vacancy until the next regular election, when a new member shall be elected.

ARTICLE VI -- POWERS OF THE COUNCIL

SECTION 1. The Tribal Council shall have the following powers:

(a) To employ representatives or legal counsel, the choice of counsel and fixing of fees, to be subject to the approval of the Secretary of the Interior.

(b) To prevent the sale, disposition, lease, or encumbrance of any tribal assets without the consent of the Council.

(c) To negotiate with Federal, State, and local governments on behalf of the Tribe.

(d) To issue and revoke permits for the use of home sites within the reservation, subject to review by the Secretary of the Interior.

(e) To manage all economic affairs and enterprises of the Yerington Paiute Tribe in accordance with the terms of a charter that may be issued to the Tribe by the Secretary of the Interior.

(f) To promulgate and enforce ordinances which provide assessments or license fees for the use of tribal privileges upon non-members doing business within the reservation, subject to the approval of the Secretary of the Interior, and the same may also apply to members of the Tribe without such review, provided such ordinances have been approved by a referendum vote of the Tribe.

(g) To regulate the disposition of home and property improvements made upon the lands of the Tribe.

(h) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Tribe, and providing for the maintenance of law and order and the administration of justice by the establishment of an Indian Court, and defining its duties and powers.

(i) To promulgate and enforce ordinances which are intended to safeguard and promote the peace, safety, morals, and general welfare of the Yerington Paiute Tribe, by regulating the conduct of trade and use and disposition of the property of the Tribe, providing that any ordinance directly affecting non-members of the Tribe shall be subject to review by the Secretary of the Interior.

(j) To create and maintain a tribal fund by accepting grants or donations from any person, State, or the United States, and from tribal enterprises.

(k) To charter subordinate organizations for economic purposes and regulate by ordinance the activities of cooperative associations of members of the Yerington Paiute Tribe, provided that any such ordinance shall be subject to review by the Secretary of the Interior.

(l) To delegate to subordinate boards or to cooperative associations which are open to all members of the Tribe any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated powers.

(m) To cultivate and preserve native arts, crafts, and culture.

SEC. 2. Any resolution or ordinance which by the terms of this Constitution is subject to review by the Secretary of the Interior shall be presented to the superintendent in charge of the reservation, who shall within ten days thereafter approve or disapprove the same.

If the superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may within 90 days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the Tribal Council of such decision.

If the superintendent shall refuse to approve any ordinance or resolution submitted to him within ten days after its enactment he shall advise the Tribal Council of his reasons therefor. If these reasons appear to the Tribal Council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within 90 days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

SEC. 3. The Council of the Tribe may exercise such further powers as may in the future be delegated to it by the Government, whether through order of the Secretary of the Interior or by Congress.

SEC. 4. Any rights and powers heretofore vested in the Indians residing on the Yerington Indian Reservation, but not expressly referred to in this Constitution, shall not be adridged by this Article, but may be exercised by the people of the Yerington Paiute Tribe through the adoption of appropriate by-laws and constitutional amendments.

ARTICLE VII -- REFERENDUM

Upon petition by at least one-third of the eligible voters of the Yerington Paiute Tribe or upon the request of a majority of the members of the Tribal Council any enacted or proposed ordinance or resolution shall be submitted to popular referendum, and the vote of a majority of those voting in such referendum shall be conclusive and binding on the Council provided that at least 30 percent of the eligible voters shall vote in such election.

ARTICLE VIII -- AMENDMENTS

SECTION 1. Amendments to the Constitution and By-laws may be ratified and approved in the same manner as this Constitution and By-laws shall be ratified and approved.

SEC. 2. It shall be the duty of the Secretary of the Interior, upon receipt of a written resolution approved by a majority vote of the Council or upon receipt of a petition signed by twenty-five percent of the members of the Tribe, to call a special election for the adoption of any proposed amendment to this Constitution and By-laws.

BY-LAWS OF THE YERINGTON PAIUTE TRIBE

ARTICLE I -- THE TRIBAL COUNCIL

SECTION 1. The Chairman of the Council shall preside over all meetings of the Council, perform all duties of the Chairman and exercise any authority delegated to him by the Council.

SEC. 2. The Vice-Chairman shall assist the Chairman when called upon to do so, and in the absence of the Chairman shall preside, and when so presiding shall have all the privileges, duties, and responsibilities of the Chairman.

SEC. 3. The Council Secretary shall keep minutes of all meetings and shall forward a copy of the minutes of all meetings to the Superintendent of the Carson Indian Agency, and shall perform such other duties as may be required of the office.

SEC. 4. The Treasurer shall be the custodian of all moneys which may come under the jurisdiction or into the control of the Tribal Council. He shall pay out money only in accordance with the orders and resolutions of the Tribal Council. He shall keep account of all receipts and disbursements and shall report the same to the Council at each regular meeting. He shall be bonded in such an amount as the Council may by resolution provide, subject to the approval of the Commissioner of Indian Affairs. The books of the Treasurer shall be subject to audit or inspection at the direction of the Council or the Commissioner of Indian Affairs. Until the Treasurer is bonded, the Council may make such provision for the custody and disbursement of funds as shall guarantee their safety and proper disbursement and use.

SEC. 5. Newly elected members who have been duly certified shall be installed at the first regular meeting of the Tribal Council.

SEC. 6. Each member of the Tribal Council and each officer or subordinate officer, elected or appointed under this Constitution and By-laws shall take an oath of office prior to assuming the duties thereof, by which oath he shall pledge himself to support and defend the Constitution of the United States and this Constitution and By-laws.

Oath: "I _____, do solemnly swear that I will support and defend the Constitution of the United States against all enemies; that I will carry out faithfully and impartially the duties of my office to the best of my ability; that I will cooperate, promote, and protect the best interests of my Tribe, in accordance with this Constitution and By-laws."

SEC. 7. Regular meetings of the Tribal Council shall be held every month, or at such other times as the Council may by resolution provide, on a day to be determined by the Council.

SEC. 8. Special meetings may be called by a written notice signed by the Chairman, or a majority of the Council, and when so called the Tribal Council shall have the power to transact business as in the regular meetings.

SEC. 9. No business shall be transacted unless a quorum is present which shall consist of a majority of the council membership.

SEC. 10. Order of business:

- (a) Call to order by the Chairman.
- (b) Roll call.
- (c) Reading of minutes of last meeting.
- (d) Unfinished business.
- (e) Reports.
- (f) New business.
- (g) Adjournment.

ARTICLE II — ORDINANCES AND RESOLUTIONS

SECTION 1. All final decisions of the Council on matters of general and permanent

interest to the members of the Tribe shall be embodied in ordinances.

SEC. 2. All final decisions of the Council on matters of temporary interest (such as action on the tribal budget for a single year, or petitions to Congress or the Secretary of the Interior) or relating especially to particular individuals or officials (such as adoption of members, instructions for tribal employees or rules of order for the Council) shall be embodied in resolutions. Such resolutions shall be recorded in a special book which shall be open to public inspection.

SEC. 3. All questions of procedure (such as acceptance of Committee reports or invitations to outsiders to speak) shall be decided by action of the Council or by the ruling of the Chairman if no objection is heard. In all ordinances, resolutions or motions, the Council may act by a majority vote.

SEC. 4. Every ordinance shall begin with the words: "Be it enacted by the Council of the Yerington Paiute Tribe."

SEC. 5. Every resolution shall begin with the words: "Be it resolved by the Council of the Yerington Paiute Tribe."

ARTICLE III -- ADOPTION

This Constitution and By-laws when ratified by a majority vote of the adult Indians residing on the Yerington Colony Site voting at a special election called for the purpose by the Secretary of the Interior, provided that at least thirty percent of those entitled to vote shall vote in such election, shall be submitted to the Secretary of the Interior, and, if approved, shall be effective from the date of approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved November 13, 1936, by the Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the adult Indians residing on the Indian Reservation at Yerington, Nevada, and was on December 12, 1936, duly passed by a vote of 56 for, and 4 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935, (49 Stat. 378).

DENNIS BENDER,
Chairman of Election Board.


SHORTY JACKSON,
Secretary of Election Board.

ALIDA C. BOWLER,
Superintendent in Charge of the Reservation.

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and By-laws of the Yerington Paiute Tribe.

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All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution or By-laws are hereby declared inapplicable to the Yerington Paiute Tribe.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and By-laws. 

Approval recommended December 28, 1936.

WILLIAM ZIMMERMAN, JR.,
Acting Commissioner of Indian Affairs.

HAROLD L. ICKES,
Secretary of the Interior.

[SEAL]

WASHINGTON, D.C., January 4, 1937.

CORPORATE CHARTER OF THE FORT McDERMITT PAIUTE AND
SHOSHONE TRIBE OF THE FORT McDERMITT INDIAN
RESERVATION, NEVADA

Ratified November 21, 1936

A Federal Corporation Chartered Under the Act of June 18, 1934.

Whereas, the Fort McDermitt Paiute and Shoshone Tribe of the Fort McDermitt Indian Reservation in the State of Nevada constitutes a recognized Indian Tribe organized under a Constitution and By-laws ratified by the members of the Fort McDermitt Paiute and Shoshone Tribe on May 30, 1936, and approved by the Secretary of the Interior on July 2, 1936, pursuant to Section 16 of the Act of June 18, 1934, (48 Stat. 984), as amended by the Act of June 15, 1935, (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Tribe have petitioned that a charter of incorporation be granted to such Tribe, subject to ratification by a vote of the adult Indians living on the reservation;

Now, therefore, I, W. C. Mendenhall, Acting Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934, (48 Stat. 984), do hereby issue and submit this charter of incorporation to the Fort McDermitt Paiute and Shoshone Tribe of the Fort McDermitt Indian Reservation to be effective from and after such time as it may be ratified by a majority vote of the adult Indians living on the reservation at an election in which at least thirty percent of the eligible voters vote.

1. Corporate Existence. In order to further the economic development of the Fort McDermitt Paiute and Shoshone Tribe of the Fort McDermitt Indian Reservation in the State of Nevada by conferring upon the said Tribe certain corporate rights, powers, privileges and immunities; to secure for the members of the Tribe an assured economic independence; and to provide for the proper exercise by the Tribe of various functions heretofore performed by the Department of the Interior, the aforesaid Tribe is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Fort McDermitt Paiute and Shoshone Tribe".

2. Perpetual Succession. The Fort McDermitt Paiute and Shoshone Tribe shall, as a Federal Corporation, have perpetual succession.

3. Membership. The Fort McDermitt Paiute and Shoshone Tribe shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Tribe, as provided by its duly ratified and approved Constitution and By-laws.

4. Management. The Fort McDermitt Tribal Council established in accordance with the said Constitution and By-laws of the Tribe, shall exercise all the corporate powers hereinafter enumerated.

5. Corporate Powers. The Tribe, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of

the said Tribe, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the Tribal Constitution and By-laws:

(a) To adopt, use, and alter at its pleasure a corporate seal.

(b) To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

- (1) No sale or mortgage may be made by the Tribe of any land or interests in land, including mineral rights, now or hereafter held by the Tribe within the boundaries of the Fort McDermitt Indian Reservation.
- (2) No leases or permits (which term shall not include land assignments to members of the Tribe) covering any land or interests in land now or hereafter held by the Tribe within the boundaries of the Fort McDermitt Indian Reservation shall be made by the Tribe for a longer term than five years, and all such leases, permits or contracts must be approved by the Secretary of the Interior or by his duly authorized representative; but mineral leases or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.
- (3) No action shall be taken by or in behalf of the Tribe which in any way operates to destroy or injure the tribal grazing lands or other natural resources of the Fort McDermitt Indian Reservation. All leases or permits relating to the use of tribal grazing lands shall conform to regulations of the Secretary of the Interior authorized by Section 6 of the Act of June 18, 1934, with respect to range carrying capacity and other matters therein specified. Conformity to such regulations shall be made a condition of any such lease or permit whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such condition shall render the agreement revocable, in the discretion of the Secretary of the Interior.

(c) To issue interests in corporate property in exchange for restricted Indian lands, the forms for such interests to be approved by the Secretary of the Interior.

(d) To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934, (48 Stat. 984), or from any other governmental agency, or from any member or association of members of the Tribe, and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or associations of members of the Tribe: Provided, That the amount of indebtedness to which the Tribe may subject itself, aside from loans from the Indian Credit Fund, shall not exceed three thousand dollars, except with the express approval of the Secretary of the Interior.

(e) To engage in any business that will further the economic well-being of the members of the Tribe or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this charter.

(f) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of Nevada, including agreements with the State of Nevada for the rendition of

public services: Provided, That all contracts involving payment of money by the corporation in excess of \$300 in any one fiscal year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(g) To pledge or assign chattels or future tribal income due to or to become due to the Tribe: Provided, That such agreements of pledge or assignment shall not extend more than ten years from the date of execution and shall not amount for any one year to more than one-half of the net tribal income in the preceding year: And provided further, That any such agreement shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(h) To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the Tribe.

(i) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the Tribe or by the United States to the levy of any judgement, lien or attachment upon the property of the Tribe other than income or chattels specially pledged or assigned.

(j) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

6. Termination of Supervisory Powers. Upon request by the Fort McDermitt Tribal Council for the termination of any supervisory power reserved to the Secretary of the Interior under Sections 5 (b) (2), 5 (c), 5 (d), 5 (f), 5 (g), 5 (h), and Section 8 of this charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination for ratification by the Tribe. The termination shall be effective upon ratification by a majority vote of the adult members of the Tribe residing on the Reservation, at an election in which at least thirty per cent of the eligible voters vote. If at any time after ten years from the date of ratification of this charter such request shall be made and the Secretary shall disapprove it or fail to approve or disapprove it within ninety days after its receipt, the question of the termination of any such power may then be submitted by the Secretary or by the Tribal Council to popular referendum of the adult members of the Tribe actually living within the Reservation, and if the termination is approved by two-thirds of the eligible voters, it shall be effective.

7. Corporate Property. No property rights of the Fort McDermitt Paiute Shoshone Tribe shall be in any way impaired by anything contained in this charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals is hereby expressly recognized. The individually owned property of members of the Tribe shall not be subject to any corporate debts or liabilities, without such owners' consent. Any existing lawful debts of the Tribe shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

8. Corporate Dividends. The Tribe may issue to each of its members a nontransferable certificate of membership evidencing the equal share of each member in the assets of the Tribe and may distribute per capita, among the recognized members of the Tribe, all income of the Tribe over and above sums necessary to defray corporate obligations to members of the Tribe or to other persons and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the costs of public enterprises, the expenses of tribal government, the needs of charity, or other corporate purpose. Any such distribution of profits in any one year amounting to a distribution of more than one-half of the accrued surplus, shall not be made without the approval of the Secretary of the Interior. No financial assets of the Tribe shall be distributed except as provided herein.

9. Corporate Accounts. The officers of the Tribe shall maintain accurate and complete public accounts of the financial affairs of the Tribe, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Tribe to the Commissioner of Indian Affairs.

10. Amendments. This charter shall not be revoked or surrendered except by act of Congress, but amendments may be proposed by resolutions of the Tribal Council which, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members living on the reservation at a popular referendum in which at least thirty per cent of the eligible voters vote.

11. Ratification. This charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Fort McDermitt Paiute and Shoshone Tribe living on the Fort McDermitt Indian Reservation, provided at least thirty per cent of the eligible voters shall vote, such ratification to be formally certified by the Superintendent of the Carson Agency and the Chairman and Secretary of the Fort McDermitt Tribal Council.

Submitted by the Secretary of the Interior for ratification by the Fort McDermitt Paiute and Shoshone Tribe of the Fort McDermitt Indian Reservation in a popular referendum to be held on November 21, 1936.

W. C. MENDENHALL,
Acting Secretary of the Interior.

[SEAL]

Washington, D. C., November 3, 1936.

CERTIFICATION

Pursuant to section 17 of the Act of June 18, 1934, (48 Stat. 984), this charter, issued on November 3, 1936, by the Secretary of the Interior to the Fort McDermitt Paiute and Shoshone Tribe of the Fort McDermitt Indian Reservation, Nevada, was duly submitted for ratification to the adult Indians living on the reservation and was on November 21, 1936, duly passed by a vote of 62 for, and 9 against, in an election in which over thirty per cent of those entitled to vote cast their ballots.

HARRY LOSSING,
Chairman of the Tribal Council.
ROSS E. HARDIN,
Secretary of the Tribal Council.

ALIDA C. BOWLER,
Superintendent in Charge of the Reservation.

AMENDMENT I—CORPORATE CHARTER OF THE FORT McDERMITT PAIUTE AND SHOSHONE TRIBE OF THE FORT McDERMITT INDIAN RESERVATION, NEVADA

AMENDMENT I.

Section 5 (g) of the Corporate Charter shall be amended by inserting after the language "Provided, That such agreements of pledge or assignment," the phrase "other than agreements with the United States."

This subsection, so amended, shall read as follows:

"(g) To pledge or assign chattels or future tribal income due to or to become due to the Tribe: Provided, That such agreements of pledge or assignment, other than agreements with the United States, shall not extend more than ten years from the date of execution and shall not amount for any one year to more than one-half of the net tribal income in the preceding year: And provided further, That any such agreement shall be subject to the approval of the Secretary of the Interior or his duly authorized representative."

This Amendment, having been proposed by resolution of the Fort McDermitt Tribal Council adopted on February 2, 1945, is herewith approved and submitted for ratification by the adult members living on the Fort McDermitt Indian Reservation, Nevada, in accordance with section 10 of the Corporate Charter of the Tribe and pursuant to the authority vested in the Secretary of the Interior by the Act of June 18, 1934 (48 Stat. 984).

Approval recommended: April 23, 1945.

WILLIAM A. BROPHY,
Commissioner of Indian Affairs.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

Washington, D. C., May 4, 1945.

CERTIFICATION OF ADOPTION

Pursuant to sections 16 and 17 of the Act of June 18, 1934 (48 Stat. 984), this Amendment, issued on May 4, 1945, by the Assistant Secretary of the Interior to the Fort McDermitt Paiute and Shoshone Tribe, Nevada, was duly submitted to the adult Indians living on the Reservation and was on June 20, 1945, duly ratified by a vote of 53 for, and 2 against, in an election in which over 30 per cent of those entitled to vote cast their ballots.

WILLIE HARDIN,
Chairman, Fort McDermitt Tribal Council.
ROSS HARDIN,
Secretary, Fort McDermitt Tribal Council.

RALPH M. GELVIN,
Superintendent, Carson Indian Agency.

CONSTITUTION AND BY-LAWS OF THE FORT McDERMITT PAIUTE
AND SHOSHONE TRIBE, NEVADA

Approved July 2, 1936

PREAMBLE

We, the Indians of the former Fort McDermitt Military Reserve, in order to establish a legal tribal organization, to secure certain privileges and powers offered to us by the Indian Reorganization Act, and to create a governing unit through which we may properly assume our new responsibilities, do hereby ordain and establish this Constitution and Bylaws of the Fort McDermitt Paiute and Shoshone Tribe.

ARTICLE I -- TERRITORY

The jurisdiction of the Fort McDermitt Paiute and Shoshone Tribe shall extend to all territory comprised within the Fort McDermitt Indian Reservation as defined in the Act of January 17, 1936 (Public, No. 419, 74th Cong.), and to such other lands as may now or hereafter be held by the tribe.

ARTICLE II -- MEMBERSHIP

SECTION 1. The membership of the Fort McDermitt Paiute and Shoshone Tribe shall consist of--

(a) All original allottees at Fort McDermitt, and such of their descendants as do now maintain a bona-fide residence on the former Fort McDermitt Military Reserve.

(b) Every child of one-fourth or more Indian blood both of whose parents are members of the Fort McDermitt Paiute and Shoshone Tribe.

SEC. 2. The Tribal Council shall have the power, by an affirmative vote of two-thirds of its members, to admit to tribal membership:

(a) Any person of one-quarter or more Paiute or Shoshone Indian blood.

(b) Any person of one-half or more Indian blood married to a member of the Fort McDermitt Paiute and Shoshone Tribe.

SEC. 3. (a) The Tribal Council shall cancel the membership of any adult person who makes application to sever his tribal relations, and thereafter such persons shall cease to hold membership in the tribe.

(b) The Tribal Council may by a two-thirds vote cancel the membership of any person who has not lived within the jurisdiction of the tribe for at least 1 year during the preceding 3 years, provided that this power shall become effective 1 year after the adoption and ratification of this constitution.

ARTICLE III -- GOVERNING BODY

SECTION 1. The governing body of the Fort McDermitt Paiute and Shoshone Tribe shall consist of a council known as the Fort McDermitt Tribal Council.

SEC. 2. The Fort McDermitt Tribal Council shall consist of eight councilmen who shall be elected by secret ballot.

SEC. 3. The Tribal Council as organized shall elect from within its own number a tribal chairman and a tribal vice chairman, and from within or without its own membership a tribal secretary, a tribal treasurer, and such other officers and committees as may be deemed necessary.

SEC. 4. Councilmen shall hold office for a term of 4 years, except that the first council elected under this constitution shall hold office until the next regular election in 1937. At the 1937 election the four candidates receiving the highest number of votes shall hold office for 4 years, and the four candidates receiving the next highest number of votes shall hold office for 2 years. Thereafter, every 2 years four councilmen shall be chosen for a term of 4 years.

ARTICLE IV -- NOMINATIONS AND ELECTIONS

SECTION 1. The first election of a tribal council under this constitution shall be called, held, and supervised by the present Tribal Council within 30 days after the ratification and approval of this constitution, and thereafter elections shall be held every 2 years on the second Saturday of November, beginning with the year 1937.

SEC. 2. Any qualified voter of the tribe may announce his candidacy for the council by notifying the secretary of the Tribal Council in writing of his candidacy at least 15 days prior to the election. It shall be the duty of the secretary to post the names of all candidates who have met these requirements at least 10 days before the election.

SEC. 3. The Tribal Council or a board appointed by the Council shall determine rules and regulations governing elections, and shall certify to the election of members of the Council within 2 days after the election returns are in.

SEC. 4. Any member of the Fort McDermitt Paiute and Shoshone Tribe who is 21 years of age or over shall be entitled to vote.

ARTICLE V -- VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a councilman or other tribal officer shall die, resign, voluntarily resign from tribal membership, or be removed from office, the Council shall declare the office vacant and appoint a successor to fill such vacancy until the next regular election.

SEC. 2. Any councilman or other tribal officer who is proven guilty of improper conduct, or of gross neglect of duty, may be expelled from office by a two-thirds vote of the Council members, provided that the accused official is given full opportunity to reply to any and all charges at a designated council meeting, and provided further, that the accused official shall have been given a written statement of the charges against him at least 5 days

before the meeting at which he is to be given an opportunity to reply.

ARTICLE VI -- POWERS AND DUTIES OF THE TRIBAL COUNCIL

SECTION 1. Enumerated powers. The Fort McDermitt Tribal Council of the Fort McDermitt Indian Reservation shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States.

- (a) To negotiate with the Federal, State, and local governments.
- (b) To employ representatives or legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior.
- (c) To veto any sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets of the tribe.
- (d) To advise the Secretary of the Interior with regard to all appropriation estimates or federal projects for the benefit of the Fort McDermitt Indian Reservation prior to the submission of such estimates to the Bureau of the Budget and to Congress.
- (e) To manage all economic affairs and enterprises of the Fort McDermitt Paiute and Shoshone Tribe in accordance with the terms of a charter that may be issued to the tribe by the Secretary of the Interior.
- (f) To promulgate and enforce ordinances which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Fort McDermitt Paiute and Shoshone Tribe of Indians of the Fort McDermitt Indian Reservation, providing for the manner of making, holding, and revoking assignments of tribal land or interests therein, providing for the levying of taxes and the appropriation of available tribal funds for public purposes, providing for the licensing of nonmembers coming upon the reservation for the purpose of hunting, fishing, trading, or other business, and for the exclusion from the reservation of persons not so licensed and establishing proper agencies for law enforcement upon the Fort McDermitt Indian Reservation.
- (g) To charter subordinate organizations for economic purposes and to delegate to such organizations, or to any subordinate boards or officials of the tribe, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.
- (h) To adopt resolutions not inconsistent with this constitution and the attached bylaws, regulating the procedure of the Council itself and of other tribal agencies, tribal officers, or tribal organizations of the Fort McDermitt Indian Reservation, and exercising such duties as are conferred upon the Council by the attached bylaws.

SEC. 2. Future powers. The Tribal Council may exercise such further powers as may in the future be delegated to the Council by members of the tribe or by the Secretary of the Interior or any other duly authorized official or agency of the State or Federal Government.

SEC. 3. Reserved powers. Any rights and powers heretofore vested in the Indians of the former Fort McDermitt Military Reserve but not expressly referred to in this constitution shall not be abridged by this article, but may be exercised by the people of the Fort McDermitt Paiute and Shoshone Tribe through the adoption of appropriate bylaws and constitutional amendments.

SEC. 4. Manner of review. Any resolution or ordinance which by the terms of this constitution, is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the Reservation, who shall, within 10 days thereafter, approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within 90 days from the date of enactment, rescind the said ordinance or resolution for any cause, by notifying the Tribal Council of such decision.

If the Superintendent shall refuse to approve any ordinance or resolution submitted to him, within 10 days after its enactment, he shall advise the Council of his reasons therefor. If these reasons appear to the Council insufficient, it may be a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within 90 days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

ARTICLE VII -- LAND

SECTION 1. Allotted lands. Allotted lands, including heirship lands, belonging to any member of the Fort McDermitt Paiute and Shoshone Tribe shall continue to be held as heretofore by their present owners. It is recognized that under existing law such lands may be condemned for public purposes, such as roads, public buildings, or other public improvements, upon payment of adequate compensation, by any agency of the State of Nevada or of the Federal Government. It is further recognized that under existing law such lands may be inherited by the heirs of the present owner, whether or not they are members of the Fort McDermitt Paiute and Shoshone Tribe. Likewise, it is recognized that under existing law the Secretary of the Interior may, at his discretion, remove restrictions upon such land, upon application by the Indian owner, whereupon the land will become subject to state taxes and may then be mortgaged or sold.

The right of the individual Indian to hold or to part with his land, as under existing law, shall not be abrogated by anything contained in this constitution, but the owner of restricted land may, with the approval of the Secretary of the Interior, voluntarily convey his land to the Fort McDermitt Indian Tribe either in exchange for a money payment or in exchange for an assignment covering the same land or other land, as hereinafter provided.

SEC. 2 Tribal lands. The unallotted land of the Fort McDermitt Reservation and all lands which may hereafter be acquired by the Fort McDermitt Paiute and Shoshone Tribe or by the United States in trust for the Fort McDermitt Paiute and Shoshone Tribe, shall be held as tribal lands, and no part of such land shall be mortgaged or sold. Tribal lands shall not be allotted to individual Indians but may be assigned to members of the Fort McDermitt Indian Tribe, or leased or otherwise used by the tribe as hereinafter provided.

SEC. 3. Leasing of tribal lands. Tribal lands may be leased by the Tribal Council, with the approval of the Secretary of the Interior, for such periods of time as are permitted by law.

In the leasing of tribal lands preference shall be given, first, to Indian cooperative associations, and secondly, to individual Indians who are members of the Fort McDermitt Paiute and Shoshone Tribe. No lease of tribal land to a non-member shall be made by the Tribal Council unless it shall appear that no Indian cooperative association or individual member of the tribe is able and willing to use the land and to pay a reasonable fee for such use.

Grazing permits covering tribal land may be issued by the Tribal Council, with the approval of the Secretary of the Interior, in the same manner and upon the same terms as leases.

SEC. 4. Grant of "standard" assignments. In any assignment of tribal lands which are now owned by the tribe or which may be hereafter acquired for the tribe by the United States, or purchased by the tribe out of Tribal funds, preference shall be given to members of the tribe who have no allotted lands or previous assignments of tribal lands.

No member of the tribe who may hereafter have the restrictions upon his land removed and whose land may hereafter be alienated shall be entitled to receive an assignment of land as a landless Indian.

The Tribal Council may if it sees fit, charge a fee of not to exceed \$25 on approval of an assignment made under this section.

Assignments made under this section shall be for the primary purpose of establishing homes for landless members of the tribe, and shall be known as "standard" assignments.

SEC. 5. Tenure of standard assignments. If any member of the tribe holding a standard assignment of land shall, for a period of 2 years fail to use the land so assigned, or shall, after due warning from the proper tribal officials, persist in using such land for any unlawful purpose, his assignment may be canceled by the Tribal Council after due notice and an opportunity to be heard, and the said land may be reassigned in accordance with the provisions of section 4 of this article.

Upon the death of any Indian holding a "standard" assignment, his heirs or other individuals designated by him, by will or written request, shall have a preference in the reassignment of the land, provided such persons are members of the Fort McDermitt Paiute and Shoshone Tribe who would be eligible to receive a "standard" assignment.

SEC. 6. Grant of "exchange" assignments. Any member of the tribe who owns an allotment or any share of heirship land may voluntarily transfer his interest in such land to the tribe in exchange for any assignment of the same land or other land of equal value. If the assignee prefers, he may receive, in lieu of a specific tract of land, a proportionate share in a larger grazing unit.

Assignments made under this section shall be known as "Exchange" assignments.

SEC. 7. Leasing of exchange assignments. Exchange assignments may be used by the assignee or leased by him to Indian cooperative associations, to individual members of the tribe, or, if no individual Indian or Indian cooperative association is able and willing to rent the land at a reasonable fee, such assignments may be leased to non-Indians, in the same manner as allotted lands.

SEC. 8. Inheritance of exchange assignments. Upon the death of the holder of any exchange assignment, such land shall be reassigned by the Tribal Council to his heirs or devisees, subject to the following conditions:

(a) Such lands may not be reassigned to any heirs or devisees who are not members of the Fort McDermitt Paiute and Shoshone Tribe except that a life assignment may be made to the surviving widower or widow of the holder of the assignment.

(b) Such lands may not be reassigned to any heirs or devisees who already hold more than a certain number of acres of grazing land, or other land or interests in land of equal value, either under allotment or under assignment, such amounts to be determined from time to time by the Council.

(c) Such lands may not be subdivided among heirs or devisees into units too small for convenient management. No area of grazing land shall be subdivided into units smaller than 20 acres, and no area of agricultural land shall be subdivided into units smaller than 1 acre, except that land used for buildings or other improvements may be divided to suit the convenience of the parties. Where it is impossible to divide the land properly among the eligible heirs or devisees, the Tribal Council shall issue to such heirs or devisees grazing permits or other interests in tribal lands of the same value as the assignments of the decedent.

(d) If there are no eligible heirs or devisees of the decedent, the land shall be eligible for reassignment in accordance with the provisions of section 4 of this article.

SEC. 9. Inheritance of improvements. Improvements of any character made upon assigned land may be bequeathed to and inherited by members of the Fort McDermitt Paiute and Shoshone Tribe or otherwise disposed of under such regulations as the Tribal Council shall provide. No permanent improvements shall be removed from the land without the consent of the Tribal Council.

SEC. 10. Exchange of Assignments. Assignments may be exchanged between members of the Fort McDermitt Paiute and Shoshone Tribe by common consent in such manner as the Tribal Council shall designate.

SEC. 11. Use of unassigned tribal land. Tribal land which is not assigned shall be managed by the Tribal Council for the benefit of the members of the entire tribe, and any cash income derived from such land shall accrue to the benefit of the tribe as a whole. All action of the Fort McDermitt Tribal Council with respect to such lands shall be in conformity with departmental regulations for the protection of Indian range and timber resources authorized by section 6 of the Act of June 18, 1934.

SEC. 12. Purchase of land by the tribe. Tribal funds may be used with the consent of the Secretary of the Interior to acquire land under the following conditions:

(a) Land adjacent to the Fort McDermitt Indian Reservation which is not now in Indian ownership may be purchased by or for the Fort McDermitt Paiute and Shoshone Tribe.

(b) Restricted land, which is in heirship status at the time of the adoption and approval of this Constitution, may be purchased by or for the tribe, with the consent of all the adult heirs, and the legal guardians of minor heirs, payment therefor to be made as may be agreed upon.

(c) Land owned by any member of the tribe who is over the age of 60 years, or who is physically incapacitated, may be transferred by its owner to the tribe in exchange for a pension of not more than twice the usual rental value of the land for the life of the pensioner, to be paid out of available tribal funds.

(d) Land owned by any member of the tribe who desires to leave the reservation permanently may be purchased by the tribe, under such terms as may be agreed upon.

SEC. 13. Method of making assignments. Applications for assignment shall be filed with the secretary of the Council and shall be in writing, setting forth the name of the person or persons applying for the land and as accurate a description of the land desired as the circumstances will permit. Notices of all applications received by the secretary shall be posted in the agency office and in at least three conspicuous places in the district in which the land is located for not less than 20 days before action is taken by the Council. Any member of the tribe wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections, to be filed with the secretary of the Council, and may if he so desires appear before the Council to present evidence. The secretary of the Council shall furnish the Superintendent or other officers in charge of the agency a complete record of all action taken by the Council on applications for assignment of land, and a complete record of assignments shall be kept in the agency office and shall be open for inspection by members of the tribe.

ARTICLE IX — AMENDMENTS

SECTION 1. This constitution and the appended bylaws may be amended by a majority vote of the qualified voters of the tribe voting at an election called for that purpose by the Secretary of the Interior, provided that at least 30 percent of those entitled to vote shall vote in such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

SEC. 2. It shall be the duty of the Secretary of the Interior to call an election on a proposed amendment, if requested by a two-thirds (2/3) vote of the Council, or upon presentation of a petition signed by twenty-five (25) percent of the eligible voters, members of the tribe.

BY-LAWS OF THE FORT McDERMITT PAIUTE AND SHOSHONE TRIBE

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. It shall be the duty of the Chairman to preside at all meetings of the Council.

SEC. 2. In the absence of the regular Chairman, the Vice-Chairman shall preside and he shall have all powers, privileges, and duties of the regular Chairman.

SEC. 3. It shall be the duty of the Secretary to keep a true and accurate record of all matters affecting the records, to render a proper accounting of such records and statistics at all meetings of the Council and to keep an accurate record of all

Council proceedings, including the minutes of each special or regular meeting. Such records shall be in triplicate, the original copy to be filed at the Fort McDermitt Tribal Office, one copy to be presented to the Superintendent, and one copy to be sent to the Commissioner of Indian Affairs.

SEC. 4. The duties of the Treasurer of the Tribal Council shall be as follows:

(a) He shall accept, receipt for, preserve and safeguard all funds in the custody of the Council, whether same be tribal funds or special funds for which the Council is acting as trustee or custodian. He shall deposit all such funds in such bank or elsewhere, as directed by the Council, and he shall keep an accurate record, filing same in the office of the Fort McDermitt Tribal Council, and he shall report in writing all receipts and expenditures and accounts and the nature of all funds in his possession, or custody, once every 6 months to the Tribal Council, or at any time he is requested to do so by the Tribal Council.

(b) - (d) Exact reading not available, as material cut out of constitution copy received. Data similar to Article I, Section 4 of the By-laws of the Yomba Shoshone Tribe.

But includes:

He shall be required to give a bond satisfactory to the Council and the Commissioner of Indian Affairs.

(e) Until the Treasurer is bonded, the Council may make such provision for the custody and disbursement of funds as shall guarantee their safety and proper disbursement and use.

ARTICLE II — QUALIFICATIONS FOR OFFICE

Any person to be elected as an officer or councilman, must be a member of the Fort McDermitt Paiute and Shoshone Tribe and over 25 years of age at the time of his or her election.

(a) No person who has been convicted of felony shall be elected as an officer or councilman.

(b) The Tribal Council shall be the sole judge of the qualification of its own members.

ARTICLE III — CONDUCT OF ELECTIONS AND CERTIFICATION

SECTION 1. It shall be the duty of the Council to see that each nomination for tribal office, including membership in the Council, shall be made in strict accord with the provisions of the constitution, and unless the Council shall certify as to the legality of such nomination, it shall be considered illegal and ineffective.

SEC. 2. All tribal elections for officers shall be canvassed and certified by the Council or by a board appointed by it. No candidate shall be considered legally elected, nor shall he hold office until such canvass and certification shall have been made by the Council within 5 days after such election.

SEC. 3. All necessary details concerning tribal nominations and elections not specifically covered by these bylaws or in the constitution shall be more fully set forth in ordinances to be hereafter established by the Council.

ARTICLE IV -- MEETINGS AND PROCEDURES

SECTION 1. Immediately after the election of members of the Fort McDermitt Tribal Council and when the elected members are duly certified, as provided for in Article IV of this constitution, the members shall assemble and organize for business.

SEC. 2. Regular meetings of the Council shall be held monthly on a day fixed by ordinance.

SEC. 3. Special meetings of the Council shall be held at such times as are designated by the chairman, who shall notify members at least 24 hours before the date of such meeting.

SEC. 4. At any special or regular meeting of the Tribal Council two-thirds of the Council members shall constitute a quorum and without such a quorum the chairman shall adjourn the meeting.

SEC. 5. Special meetings of the Council shall be held upon written request of four members of the Council or by petition signed by 15 legal voters of the tribe, such written request to be filed with the chairman or secretary of the Council who shall notify the Council members at least 24 hours before the date of such Council meeting. Special meetings may be called by the chairman to meet with visiting county, state, or Federal officials or to transact business requiring council action before the next regular meeting.

SEC. 6. All sessions of the Tribal Council (except executive) shall be open to all members of the tribe. Balloting at all sessions shall be either by acclamation or by secret written ballot, as the presiding officer may direct.

SEC. 7. The order of business at any regular or special meeting of the Tribal Council shall be as follows:

- (a) Council called to order.
- (b) Roll call.
- (c) Reading of minutes of previous meeting.
- (d) Reports of standing committees.
- (e) Report of Council Treasurer.
- (f) Reports of special committees.
- (g) Reading of communications and reports.
- (h) Unfinished business.
- (i) New business.
- (j) Adjournment.

SEC. 8. It shall be the duty of the Council to exercise care and caution to the end that a complete record is preserved of all acts of the Council and of all committees appointed therefrom. Accurate copies of all records shall be preserved in the files of the Council and accurate copies of all necessary records shall be transmitted to such Bureaus, Departments, or elsewhere as may be required.

SEC. 9. All records of the Council and its committees or delegates shall at all times be a matter of public record, and any member of the Fort McDermitt Paiute and Shoshone Tribe or his authorized representative, or any properly authorized officer or employee of any government department shall have full access to same during business hours. However, it is provided that matters before the Council while in executive session shall be, at the option of the Council, withheld from the public or from individuals or their representatives, until after same shall have been acted upon or otherwise quietly disposed of.

SEC. 10. Copies of all leases, contracts, deeds, or assignments and all other papers and documents pertaining to lands of any nature on the reservation shall be carefully preserved by the Council, and insofar as it is possible all other documents affecting the rights and equities of the tribe as a whole, or the individual members thereof, shall be kept and preserved in order that such information shall at all times be available to the Council and to the individual members of the tribe. Duplicates of all such documents shall be deposited in the files of the agency.

ARTICLE V — TRIBAL COURT (JUDICIAL CODE)

SECTION 1. (a) It shall be the duty of the Council to provide through the necessary bylaws or ordinances, for the establishment of a Tribal Court upon the reservation.

(b) This court shall have jurisdiction over all such offenses as may be provided in the ordinances of the Council unless they fall within the exclusive jurisdiction of Federal or State Courts.

(c) This court shall have jurisdiction over all Indians upon the reservation and over such disputes or lawsuits as shall occur between Indians on the reservation or between Indians and non-Indians where such cases are brought before it by stipulation of both parties.

(d) The duties and jurisdiction of this court shall be more fully prescribed by appropriate bylaws or ordinances.

SEC. 2. The Council may establish by ordinance a tribal police force which shall have full jurisdiction upon the reservation. The authority and duties of this police force under which it will function may be outlined by the Council, and such police shall be employees of the Council and an agency of the Tribal Court.

ARTICLE VI — PROPERTY REGULATIONS

SECTION 1. It shall be the duty of the Council, except as restricted by Federal laws, to pass rules and regulations to prevent unauthorized prospecting or mining of any kind upon the reservation and to see that such rules and regulations are properly enforced.

SEC. 2. The Council shall pass ordinances for the control of hunting and fishing upon the reservation, such ordinances not to be in conflict with any of the Federal Game Laws. The Council shall enforce such ordinances and cooperate with federal authorities in the protection of game on the reservation. The Council may issue licenses for hunting and fishing and prohibit hunting and fishing without such license.

ARTICLE VII — PUBLIC WELFARE

SECTION 1. Community welfare. (a) The Council at all times shall determine in careful manner what constitutes just cause for aid or assistance to the indigent members of the tribe, and shall make provisions for recommendation to proper agencies of individuals needing relief.

(b) The Council shall designate persons who shall cooperate in the administration of welfare work on the reservation, and the solicitation and expenditure of welfare funds shall be conducted in a systematic manner so that the right to do so may not be abused. It shall seek and cooperate with such welfare organizations and thereby render assistance or aid to the aged, the physically handicapped, and all others in actual need of aid.

(c) The Council shall at all times endeavor to discuss and eliminate the causes for indigency, exercising wise and judicious supervision and management of the affairs of the tribe and, so far as possible of the finances of individual members of the tribe, to the end that need, privation, and financial distress may be entirely eliminated among the members of the tribe.

SEC. 2. Education. (a) The Council may pass resolutions to promote and increase learning and education among the members of the tribe, and may study present school systems to recommend plans for their improvement to the proper Bureaus and Departments.

(b) The Council shall enter into negotiations with nonreservation schools and procure for the members of the tribe the highest type of educational facilities, to the end that younger members of the tribe shall have every possible economic, social, and cultural advantage.

(c) The Council shall encourage and promote among the residents of the reservation by every practical means, a proper system of education for members of all ages, in such subjects as home economics, hygiene, child care and training, agronomy, farm mechanics, etc., cooperating with State and Federal Departments, and agencies, which seek to promote such work.

ARTICLE VIII — LOANS

The Fort McDermitt Tribal Council shall act upon all applications for loans under the revolving fund; may make recommendations to the appropriate authorities for loans to Indians under the reimbursable regulations for the purchase of property, stock, or equipment, or loans to Indians, for the payment of tuition and other expenses in vocational and professional schools.

ARTICLE IX — APPLICATION FOR FUNDS

The Tribal Council shall act in an advisory capacity upon all applications to the Superintendent for the withdrawal from the United States Treasury of trust funds or any other tribal funds, and may adopt rules and regulations not in conflict with law, subject to the approval of the Superintendent, governing withdrawal of individual Indian monies.

ARTICLE X — GUARDIANSHIP

The Tribal Council shall pass all necessary ordinances whereby the rights of

minors and incompetents shall be properly safeguarded and shall see that the administration of such funds and other assets by guardians responsible to the Tribal Council shall be for the exclusive benefit of such minors or incompetents. It shall be the duty of the Council to make semiannual reports concerning all such guardianship funds or assets, such reports being matters of public record, with the exception of the trust funds and individual Indian money, which is deposited and supervised by the Superintendent under existing law.

ARTICLE VI — ADOPTION OF CONSTITUTION AND BY-LAWS

This Constitution and Bylaws, when ratified by a majority vote of the Indians of the former Fort McDermitt Military Reserve voting at an election called for the purpose by the Secretary of the Interior provided that at least thirty (30) percent of those entitled to vote shall vote in such election, shall be submitted to the Secretary of the Interior, and, if approved, shall be effective from the date of approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved May 6, 1936, by the Secretary of the Interior, the attached Constitution and Bylaws was submitted for ratification to the Indians of the former Fort McDermitt Military Reserve and was on May 30, 1936, duly approved by a vote of 54 for, and 11 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935 (Public, No. 147, 74th Cong.).

HARRY LASSING,
Chairman of Election Board.

ROSS E. HARDIN,
Secretary of the Election Board.

ALIDA C. BOWLER,
Superintendent in charge of the Reservation.

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and Bylaws of the Fort McDermitt Paiute and Shoshone Tribe of the Fort McDermitt Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution and Bylaws are hereby declared inapplicable to these Indians.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and Bylaws.

Approval recommended June 26, 1936.

JOHN COLLIER,
Commissioner of Indian Affairs.

WASHINGTON, D.C., July 2, 1936.

HAROLD L. ICKES,
Secretary of the Interior.

[SEAL]

CONSTITUTION AND BY-LAWS OF THE PAIUTE-SHOSHONE

TRIBE OF THE FALLON RESERVATION AND COLONY

CHURCHILL COUNTY, NEVADA

Approved June 12, 1964

PREAMBLE

We, the members of the Fallon Reservation and Fallon Colony, Churchill County, Nevada, hereinafter referred to as the Paiute-Shoshone Tribe, in order to form a tribal organization to exercise the privileges and powers of self-government, and to conserve and develop our resources for the social and economic well-being of our members, do hereby ordain and establish this Constitution and Bylaws.

ARTICLE I — TERRITORY

The jurisdiction of the Paiute-Shoshone Tribe shall extend to all lands within the boundaries of the Fallon Indian Reservation and Fallon Indian Colony, and to such other lands as may hereafter be added thereto.

ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Paiute-Shoshone Tribe shall consist of all living persons in the following categories, provided such persons are not members of some other tribe or band:

(a) All persons whose names appear on the Fallon Allotment Schedules as approved by the Secretary of the Interior.

(b) All persons of Indian blood whose names appear on the Census of the Fallon Reservation as of January 1, 1940.

(c) All persons of Indian blood whose names appear on the Census of the Fallon Colony as of January 1, 1940.

(d) Direct descendants of persons in the above categories, provided that such descendants possess one-fourth or more Paiute and/or Shoshone Indian blood.

SE . 2. The official membership roll shall be prepared in accordance with an ordinance adopted by the Business Council and approved by the Commissioner of Indian Affairs or his duly authorized representative. Such ordinance shall contain procedures for enrollment, application form, approval or disapproval of applications, disapproval notice, appeal procedures, and provisions for keeping the roll on a current basis.

SEC. 3. The Business Council shall have the power to promulgate ordinances, subject to the approval of the Commissioner of Indian Affairs, or his duly author-

ized representative, governing future membership, loss of membership and the adoption of new members.

ARTICLE III -- GOVERNING BODY

SECTION 1. The governing body of the Paiute-Shoshone Tribe shall consist of five (5) members, which shall be known as the Fallon Business Council.

SEC. 2. The members of the Business Council shall be elected by the qualified voters of the Paiute-Shoshone Tribe and shall serve a term of two (2) years, or until their successors are elected.

SEC. 3. At the first Business Council meeting following the election, the Council shall elect from within its own members: (a) a Chairman, (b) a Vice-Chairman, and from within or without its own membership (c) a Secretary-Treasurer; and may appoint such other officers and committees as may be deemed necessary.

SEC. 4. The members of the Tribe who are currently serving as members of the Business Council at the time this Constitution and Bylaws are approved, shall continue to serve until their term of office expires.

ARTICLE IV -- NOMINATIONS AND ELECTIONS

SECTION 1. All members of the Paiute-Shoshone Tribe who are 21 years of age or older, shall have the right to vote in all elections.

SEC. 2. All elections, whether for officers or by way of referendum, shall be conducted in accordance with an ordinance, or ordinances adopted by the Business Council, which shall provide for the dates of regular elections, election notice, polling places, ballots, and election committees and their duties, and any other necessary requirements. All elections shall be by secret ballot.

SEC. 3. Absentee ballots shall be furnished to eligible voters residing outside the jurisdiction of the Paiute-Shoshone Tribe upon the request of such member, except that members living in the town of Fallon, Nevada, shall be expected to participate in elections on the Reservation. To be valid the absentee ballot must be received by the Election Committee on or before the election date.

SEC. 4. Any member of the Paiute-Shoshone Tribe who is twenty-five (25) years of age or older, and has resided within the territory of the Tribe, as described in Article I of this Constitution, at least one-year next preceding the election, shall be eligible to be a candidate for the Business Council, provided his name is presented to the Election Committee at least fifteen (15) days prior to the election date.

ARTICLE V -- VACANCIES AND REMOVAL

SECTION 1. If a member of the Business Council or any other tribal official shall die, resign, be removed or recalled from office, permanently leave the Reservation, or be found guilty of a felony, or misdemeanor involving dishonesty, in any Indian, State, or Federal Court, the Business Council shall declare the position vacant and shall appoint an eligible member to fill the unexpired term.

SEC. 2. The Business Council may, by majority vote, expel any member of the

Council for neglect of duty or gross misconduct. Before any vote is taken in the matter, the accused member shall be given a written statement of the charges against him at least five (5) days prior to the meeting at which he is to appear, and he shall be given the opportunity to answer any and all charges at that time. The decision of the Business Council shall be final.

SEC. 3. Upon receipt of a petition signed by thirty (30) percent of the eligible voters of the Tribe calling for the recall of any member of the Council, it shall be the duty of the Council to call an election on such recall petition. No member may be recalled in any such election unless at least thirty (30) percent of the eligible voters of the Tribe shall vote at such election.

ARTICLE VI -- POWERS AND DUTIES OF THE BUSINESS COUNCIL

SECTION 1. The Business Council shall have the following powers, subject to any limitations imposed by Constitution or Statutes of the United States, and subject further to all express restrictions upon such powers contained in this Constitution and Bylaws.

(a) To negotiate with the Federal, State, and local governments in behalf of the Tribe, and to advise and consult with representatives of the Department of Interior on all activities that may affect the Tribe.

(b) To employ legal counsel, subject to the approval of the Secretary of the Interior, or his duly authorized representative.

(c) To manage, lease, contract, assign, or otherwise deal with tribal lands and tribal resources.

(d) To enter into contracts with individuals, associations, partnerships, or corporations in behalf of the Tribe.

(e) To adopt tribal budgets and administer any funds within the control of the Tribe; to make expenditures from available funds for tribal purposes, including salaries and expenses of tribal officials or employees. All expenditures of tribal funds shall be authorized by resolution, duly enacted by the Business Council, and the amounts so expended shall be a matter of public record to the members of the Tribe at all reasonable times.

(f) To promulgate ordinances to exclude from trust lands of the Reservation persons not legally entitled to reside thereon, which shall be subject to review of the Secretary of the Interior.

(g) To levy taxes or assess fees upon members of the Tribe, or to require the performance of community labor in lieu thereof, for the payment of expenses of the Tribe, or to finance any project or program for the benefit of the Tribe as a whole, which shall be subject to approval by the members of the Tribe, and to levy taxes or license fees, subject to review by the Secretary of the Interior, upon nonmembers doing business on the Reservation.

(h) To promulgate and enforce ordinances which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Tribe; and to provide for the maintenance of law and order and establishment of a tribal court.

(i.) To establish subordinate organizations for economic purposes and to delegate to such organizations, or to any subordinate boards or officials of the Tribe, any of the foregoing powers, reserving the right to review any action taken by virtue of such delegated power.

SEC. 2. The Business Council may exercise such future powers which may be delegated to the Council by the members of the Tribe or the Secretary of the Interior.

SEC. 3. Any rights or powers heretofore vested in the Tribe, but not expressly referred to in this Constitution, shall not be abridged by this Article, but may be exercised by the members through the adoption of appropriate bylaws and constitutional amendments.

ARTICLE VII -- LAND

SECTION 1. In the assignment of tribal lands, preference shall be given first, to heads of families who are entirely landless, and second, to heads of families whose assignments (or present allotments) consist of less than an economic unit. No member of the Tribe who has had the trust restrictions removed from his allotted land, or whose lands may be alienated, except to the Tribe, shall be entitled to receive an assignment of tribal lands as a landless Indian.

SEC. 2. If any member of the Tribe holding an assignment of tribal land shall, for a period of two years, fail to use the land so assigned or use such land for any unlawful purpose, his assignment may be cancelled by the Business Council, after due notice and an opportunity to be heard, and such lands may be reassigned. Upon the death of any member holding an assignment, his heirs or other individuals designated by him by will or by written request, shall have preference in the reassignment of the land, provided such persons are members of the Tribe and are eligible to receive an assignment of land.

SEC. 3. Applications for assignments shall be filed with the Secretary of the Business Council and shall be in writing, setting forth the name of the person or persons applying for the land, the purpose for which it will be used, and as accurate a description of the land desired as the circumstances will permit. The secretary of the Council shall furnish the Superintendent, Nevada Indian Agency, a complete record of all approved assignments on the Reservation. The Business Council shall draw up forms to be used for making assignments, which shall be subject to approval of the Secretary of the Interior, or his duly authorized representative.

ARTICLE VIII -- REFERENDUM

Upon receipt of a petition signed by at least thirty (30) percent of the eligible voters, or upon the request of a majority of the members of the Business Council, any enacted or proposed ordinance or resolution of the Council shall be submitted to a popular referendum, and the vote of the majority of the eligible voters voting in such referendum shall be conclusive and binding on the Business Council; provided, that at least thirty (30) percent of the eligible voters shall vote in such election, and provided further, that all enacted ordinances and resolutions shall be in effect until rescinded by the Council, or by referendum of the Tribe.

ARTICLE IX -- AMENDMENTS

This Constitution and Bylaws may be amended by a majority vote of the eligible voters of the Paiute-Shoshone Tribe, voting at an election called for that purpose by the Business Council; provided, that at least thirty (30) percent of those entitled to vote shall vote in such election and such amendment shall become effective upon approval by the Commissioner of Indian Affairs or his duly authorized representative.

BY-LAWS OF THE PAIUTE-SHOSHONE TRIBE OF THE FALLON

RESERVATION AND COLONY

ARTICLE I -- DUTIES OF OFFICERS

SECTION 1. Chairman. The Chairman of the Business Council shall preside at all meetings of the Business Council. He shall perform all the duties of the Chairman and shall exercise any authority delegated to him by the Business Council.

SEC. 2. Vice-Chairman. The Vice-Chairman of the Business Council shall assist the Chairman when called upon to do so. In the absence of the Chairman, he shall preside. When so presiding he shall have all the rights, privileges and duties, as well as the responsibilities of the Chairman.

SEC. 3. Secretary-Treasurer. The Secretary-Treasurer of the Business Council shall keep the minutes of all general tribal meetings and meetings of the Business Council. He shall certify the enactment of all ordinances and resolutions, and shall make proper distribution. He shall attend to the giving of all required notices, and shall receive on behalf of the Business Council, all petitions provided for in the Constitution. He shall have care and custody of all valuables for the Tribe, and shall deposit all funds in an approved depository. He shall disburse tribal funds as ordered by the Business Council, and shall maintain financial accounts, receipts and records, which shall be available for inspection by the members of the Tribe, and representatives of the Commissioner of Indian Affairs. He shall make periodic financial reports to the Business Council. All financial records of the Tribe shall be audited at least once each year, and at such other times as may be directed by the Business Council or Commissioner of Indian Affairs. The Secretary-Treasurer shall be bonded at the expense of the Tribe.

SEC. 4. Appointive Officers and Committees. The duties of all committees and officers appointed by the Business Council, shall be clearly defined by resolutions of the Business Council at the time of their appointment. Such committees and officers shall report from time to time, as required, to the Business Council, and their activities and decisions shall be subject to approval of the Council.

ARTICLE II -- TIME AND PLACE OF MEETINGS

SECTION 1. Business Council Meetings. Regular meetings of the Business Council shall be held at the Reservation on the second Tuesday of each month, the time and place to be designated by the Council. Special meetings may be called by the Chairman, and shall be called by him upon receipt of written notice signed by a majority of the Business Council, and when so called, shall have the power to transact business as in regular meetings.

SEC. 2. Quorum. A quorum shall consist of three (3) members of the Business Council, and no business shall be transacted unless a quorum is present.

SEC. 3. General Tribal Meetings. There shall be at least one general tribal meeting each year, to be held during the month of December. It shall be the duty of the Chairman of the Business Council to make a report at such meeting, on the activities of the Business Council throughout the year, and to outline proposed plans for the succeeding year. Special general tribal meetings may be called by the Chairman, and shall be called by him upon receipt of a petition signed by thirty (30) percent of the eligible voters. The time and place of such meetings shall be determined by the Business Council.

SEC. 4. Order of Business. The following order of business is established for all meetings:

- (a) Call to Order by the Chairman.
- (b) Roll Call.
- (c) Reading of Minutes of previous meeting.
- (d) Reports of Committees.
- (e) Report of Treasurer.
- (f) Reading of Communications.
- (g) Unfinished Business.
- (h) New Business.
- (j) Adjournment.

ARTICLE III — APPROVAL

This Constitution shall become effective upon approval by a majority vote of the eligible voters of Paiute-Shoshone Tribe voting at an election called for that purpose by the Business Council and upon approval by the Commissioner of Indian Affairs, or his duly authorized representative.

PAIUTE-SHOSHONE TRIBE OF THE FALLON

RESERVATION AND COLONY

CERTIFICATION OF ADOPTION

We, the undersigned, duly elected officers of the Fallon Business Council, hereby certify that the foregoing Constitution and Bylaws of the Fallon Reservation and Colony, was submitted for adoption to the qualified voters of the Fallon Reservation and Colony and was on December 18, 1963, duly adopted by a vote of 40 for and 22 against, in an election in which over 45 percent of those entitled to vote cast their ballots.

/S/ DELL STEVE
Chairman, Fallon Business Council

/S/ JENSON DYER
Secretary, Fallon Business Council

APPROVAL

I, James E. Officer, Associate Commissioner of Indian Affairs, United States Department of the Interior, do hereby approve the Constitution and Bylaws of the Paiute-Shoshone Tribe of the Fallon Reservation and Colony, as ratified by the tribe at a meeting held on December 18, 1963.

JAMES E. OFFICER
Associate Commissioner of Indian Affairs

Date: June 12, 1964

WASHINGTON, D.C.

CORPORATE CHARTER OF THE DUCKWATER SHOSHONE TRIBE
OF THE
DUCKWATER RESERVATION, NEVADA

Ratified November 30, 1940

A Federal Corporation Chartered Under the Act of June 18, 1934.

Whereas, the Duckwater Shoshone Indians residing on the Duckwater Reservation in the State of Nevada constitute a recognized Indian tribe eligible to organize under sections 16 and 17 of the Act of June 18, 1934 (48 Stat. 984) as amended by the Act of June 15, 1935 (49 Stat. 378), by adopting a constitution and by-laws and a charter of incorporation approved by the Secretary of the Interior; and

Whereas, more than one-third of the adult members of the Tribe have petitioned that a charter of incorporation be granted to such Tribe, subject to ratification by a vote of the adult Indians living on the Reservation;

Now, therefore, I, Oscar L. Chapman, the Assistant Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934 (48 Stat. 984), do hereby issue and submit this Charter of incorporation to the Duckwater Shoshone Tribe of the Duckwater Reservation, to be effective from and after such time as it may be ratified by a majority vote of the adult Indians living on the Reservation at an election in which at least 30 percent of the eligible voters vote; Provided, That the Constitution and By-laws has been duly ratified.

1. Corporate Existence. In order to further the economic development of the Duckwater Shoshone Tribe of the Duckwater Reservation in the State of Nevada by conferring upon the said Tribe certain corporate rights, powers, privileges, and immunities; to secure for the members of the Tribe an assured economic independence; and to provide for the proper exercise by the Tribe of various functions heretofore performed by the Department of the Interior, the aforesaid Tribe is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Duckwater Shoshone Tribe".

2. Perpetual Succession. The Duckwater Shoshone Tribe shall, as a federal corporation, have perpetual succession.

3. Membership. The Duckwater Shoshone Tribe shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Tribe, as provided by its duly ratified and approved Constitution and By-laws.

4. Management. The Duckwater Tribal Council established in accordance with the said Constitution and By-laws of the tribe shall exercise all the corporate powers hereinafter enumerated.

5. Corporate Powers. The Tribe, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of the said Tribe, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the tribal Constitution and By-laws:

(a) To adopt, use, and alter at its pleasure, a corporate seal.

(b) To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

- (1) No sale or mortgage may be made by the Tribe of any land or interests in land, including mineral rights, now or hereafter held by the Tribe within the boundaries of the Duckwater Shoshone Reservation.
- (2) No action shall be taken by or in behalf of the Tribe which in any way operates to destroy or injure the tribal grazing lands or other natural resources of the Duckwater Shoshone Reservation. The use of tribal grazing lands shall conform to regulations of the Secretary of the Interior authorized by Section 6 of the Act of June 18, 1934, with respect to range carrying capacity and other matters therein specified.

(c) To issue interests in corporate property in exchange for restricted Indian lands, the forms for such interests to be approved by the Secretary of the Interior.

(d) To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 or the Act of June 18, 1934 (48 Stat. 984), or from any other governmental agency, or from any member or association of members of the Tribe, and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or associations of members of the Tribe: Provided, That the amount of indebtedness to which the Tribe may subject itself, aside from loans from the Indian Credit Fund, shall not exceed \$500, except with the express approval of the Secretary of the Interior.

(e) To engage in any business that will further the economic well-being of the members of the Tribe or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this Charter.

(f) To make and perform contracts and agreements of every description, not inconsistent with law or with any provisions of this Charter, with any person, association, or corporation, with any municipality or any county, or with the State of Nevada, including agreements with the State of Nevada, for the rendition of public services; Provided, That all contracts involving payment of money by the corporation in excess of \$300 in any one year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(g) To pledge or assign chattels or future tribal income due or to become due to the Tribe; Provided, That no such assignment of tribal income, other than an assignment to the United States, shall extend more than ten years from the date of execution and shall not amount for any one year to more than one-half of the net tribal income from any one source; And provided further, That any such pledges or assignments shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(h) To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the Tribe.

(i) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and be sued shall not be deemed a consent by the Tribe or by the United States to the levy of any judgment, lien or attachment upon the property of the Tribe other than income or chattels specially pledged or assigned.

(j) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

6. Termination of Supervisory Powers. Upon request of the Duckwater Shoshone Tribal Council for the termination of any supervisory power reserved to the Secretary of the Interior under sections 5 (c), 5 (d), 5 (f), 5 (g), 5 (h), and Section 8 of this Charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination for ratification by the Tribe. The termination shall be effective upon ratification by a majority vote of the adult members of the Tribe residing on the Reservation, at an election in which at least 30 percent of the eligible voters vote. If at any time after ten years from the date of approval of this Charter the Secretary shall disapprove a request for the termination of any such power, or fail to approve or disapprove it within 90 days after its receipt, the question of its termination may then be submitted by the Secretary, or by the Tribal Council, to popular referendum of the adult members of the Tribe actually living within the Reservation, and if the termination is approved by two-thirds of the eligible voters, it shall be effective.

7. Corporate Property. No property rights of the Duckwater Shoshone Tribe shall be in any way impaired by anything contained in this Charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals is hereby expressly recognized. The individually owned property of members of the Tribe shall not be subject to any corporate debts or liabilities, without such owners' consent. Any existing lawful debts of the Tribe shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

8. Corporate Dividends. The Tribe may issue to each of its members a nontransferable certificate of membership evidencing the equal share of each member in the assets of the Tribe and may distribute per capita, among the recognized members of the Tribe, all income of the Tribe over and above sums necessary to defray corporate obligations to members of the Tribe or to other persons, and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the costs of public enterprises, the expenses of tribal government, the needs of charity, or other corporate purpose. No such distribution of profits in any one year amounting to a distribution of more than one-half of the accrued surplus, shall be made without the approval of the Secretary of the Interior. No financial assets of the Tribe shall be distributed except as provided herein.

9. Corporate Accounts. The officers of the Tribe shall maintain accurate and complete public accounts of the financial affairs of the Tribe, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Tribe to the Commissioner of Indian Affairs.

10. Amendments. This charter shall not be revoked or surrendered except by Act of Congress, but amendments may be proposed by resolutions of the Duckwater Tribal Council, which, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members living on the Reservation at a popular referendum in which at least 30 percent of the eligible voters vote.

11. Ratification. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Duckwater Shoshone Reservation, provided at least 30 percent of the eligible voters shall vote, and provided further that the Constitution and By-laws has been duly ratified, the ratification of said Constitution and By-laws and of this Charter to be formally certified by the Superintendent of the Carson Agency and the Chairman and Secretary of the Duckwater Tribal Council.

Submitted by the Assistant Secretary of the Interior for ratification by the Duckwater Shoshone Tribe on the Duckwater Shoshone Reservation.

OSCAR L. CHAPMAN,
Assistant Secretary.

WASHINGTON, D.C., November 28, 1940.

CERTIFICATION

Pursuant to section 17 of the Act of June 18, 1934 (48 Stat. 984), this Charter, issued on November 28, 1940, by the Assistant Secretary of the Interior to the Duckwater Shoshone Tribe in the State of Nevada, was duly submitted for ratification to the adult Indians residing on the reservation and was on November 30, 1940, duly ratified by a vote of 36 for, and none against, in an election in which over 30 percent of those entitled to vote cast their ballots.

OLIVER IKE,
Chairman, Election Board.

BROWNIE SAM,
Secretary, Election Board.

DON C. FOSTER,
Superintendent, Carson Agency.

CONSTITUTION AND BY-LAWS OF THE DUCKWATER SHOSHONE
TRIBE OF THE DUCKWATER RESERVATION, NEVADA

Approved November 28, 1940

PREAMBLE

We, the Shoshone Indians residing on lands proclaimed on November 13, 1940, to be an Indian reservation, which shall be known hereafter as the Duckwater Reservation, in order to establish a tribal organization to conserve our tribal property, to develop our resources, to administer justice, and to promote the welfare of ourselves and our descendants, do hereby ordain and establish this Constitution and Bylaws for the Duckwater Shoshone Tribe.

ARTICLE I -- NAME AND TERRITORY

SECTION 1. The name of this organized body shall be the Duckwater Shoshone Tribe.

SEC. 2. The jurisdiction of the Duckwater Shoshone Tribe shall include all the territory within the confines of the Duckwater Reservation as established by the Proclamation dated November 13, 1940, and shall extend to such other lands as may hereafter be acquired by the Duckwater Shoshone Tribe or by the United States in trust for said Tribe.

ARTICLE II -- MEMBERSHIP

SECTION 1. The membership of the Duckwater Shoshone Tribe shall consist of the following:

(a) All Shoshone Indians of at least one-half degree Indian blood who may be designated by the Secretary of the Interior as eligible for residence on lands purchased heretofore or hereafter for the benefit of the Duckwater Shoshone Tribe.

(b) Any other person of at least one-half degree of Shoshone blood whose name appears on the Carson Agency census of the Duckwater Shoshone Indians who applies in writing to the Duckwater Tribal Council.

(c) All children of at least one-half degree of Shoshone Indian blood born to any member of the Tribe.

SEC. 2. The Tribal Council shall cancel the membership of any adult person who makes application to sever his tribal relation, and thereafter such person shall cease to hold membership in the Tribe.

SEC. 3. The Tribal Council shall have power to promulgate ordinances subject to review by the Secretary of the Interior, governing adoption and loss of membership.

ARTICLE III -- GOVERNING BODY

SECTION 1. The governing body of the Duckwater Shoshone Tribe of the Duckwater

Reservation shall be a council known as the Duckwater Tribal Council.

SEC. 2. The Tribal Council shall consist of five members duly elected to serve three years, two members being elected each year except that every third year one shall be elected.

SEC. 3. The Council so organized shall elect from within its own number, (1) a chairman; (2) a vice chairman; and from within or without, (3) a secretary; and (4) a treasurer; and may appoint or employ such other officers or committees as may be deemed necessary.

SEC. 4. The first election of the Tribal Council hereunder shall be called, held and supervised by the Superintendent of the Carson Agency and the Constitutional Committee within sixty days after ratification and approval of this Constitution.

The two candidates receiving the highest number of votes shall hold office for three years; the two next highest, two years; and the next highest, one year, and they shall hold office until their successors are duly elected and qualified. After the first election, elections for the Tribal Council shall be called at least sixty days prior to expiration of terms of office of the members of the Tribal Council.

SEC. 5. In all elections after the first election, no person shall be a candidate for membership in the Tribal Council unless he shall be a member of the Duckwater Shoshone Tribe of the Duckwater Reservation, and shall have resided on the Reservation for a period of one year next preceding the election, and be at least twenty-five years of age.

SEC. 6. The Tribal Council of the Duckwater Shoshone Tribe shall be the sole judge of the qualifications of its members.

ARTICLE IV — NOMINATIONS AND ELECTIONS

SECTION 1. The Tribal Council or an election board appointed by the Council shall determine rules and regulations governing all elections.

SEC. 2. All elections shall be by secret ballot.

SEC. 3. Any qualified member of the Duckwater Shoshone Tribe may announce his or her candidacy for the Tribal Council, such announcement to be in writing and presented to the Secretary of the Tribal Council at least ten days before the election. It shall be the duty of the Secretary to post in a public place at least ten days before the election the names of all candidates for the Tribal Council.

SEC. 4. The Tribal Council or the election board appointed by the Tribal Council shall certify to the election of the members of the Tribal Council within five days after the election returns.

SEC. 5. Any member of the Duckwater Shoshone Tribe 21 years of age or over, who has maintained legal residence on the reservation for at least one year immediately prior to any election, shall have the right to vote, provided that at the first election the one-year residence rule shall not apply.

ARTICLE V — VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a councilman or an official shall die, resign, be removed from or

recalled from office, permanently leave the reservation, or be found guilty of a felony or misdemeanor involving dishonesty in any Indian, State or Federal court, the Tribal Council shall declare the position vacant and an election shall be held to fill the unexpired term, provided, however, that in case the councilman or official is called to some branch of the Armed Forces of the United States of America, a vacancy shall be declared and an appointment made by the Council to fill that vacancy only until the person involved is released from the Armed Forces or until his term would have expired under ordinary conditions, whichever event occurs first. Upon returning to the reservation the person involved shall resume former duties.

SEC. 2. The Tribal Council may by four affirmative votes remove any official or expel any member of the Council for neglect of duty or gross misconduct. Before any such vote is taken on the matter, the member or official shall be given a written statement of the charges against him at least five days before the meeting of the Tribal Council before which he is to appear; and he shall be given an opportunity to answer any and all charges at such designated Council meeting. The decision of the Tribal Council shall be final.

SEC. 3. Upon receipt of a petition signed by one-third of the eligible voters calling for the recall of any member of the Council, it shall be the duty of the Council to call an election on said recall petition. No member may be recalled in any such election unless at least 30 percent of the legal voters shall vote at such election. (Amendment I adopted by tribal electorate at election held April 7, 1944. Approved by Assistant Secretary of the Interior June 6, 1944.)

ARTICLE VI -- DUTIES AND POWERS OF THE TRIBAL COUNCIL

SECTION 1. Enumerated Powers. The Duckwater Tribal Council shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States, and subject to all express restrictions upon such powers contained in this Constitution and attached Bylaws:

(a) To negotiate with the Federal, State, and local governments on behalf of the Tribe, and to advise and consult with the representatives of the Interior Department on all activities of the Department that may affect the Duckwater Shoshone Tribe.

(b) To employ legal counsel for the protection and advancement of the rights of the Duckwater Shoshone Tribe, the choice of counsel and the fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To approve or veto any sale, disposition, lease or encumbrance of tribal lands, interests in lands or other tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other qualified official or agency of government: Provided, That no reservation lands shall ever be leased for a longer period than permitted by law, or sold or encumbered, except for governmental or public service purposes.

(d) To confer with the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Tribe prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To manage all economic affairs and enterprises of the Duckwater Shoshone Tribe of the Duckwater Reservation in accordance with the terms of a charter that may be issued to the Tribe by the Secretary of the Interior.

(f) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Duckwater Shoshone Tribe within the Duckwater Reservation; providing for the manner of making, holding and revoking assignments of tribal land or interests therein; providing for the levying of assessments for the use of tribal privileges and property and the appropriation of available tribal funds for public purposes; providing for the licensing of nonmembers coming upon the reservation for the purpose of hunting, fishing, trading, or other business, and for the exclusion from the reservation of all persons not so licensed; and providing for the establishment of proper agencies for law enforcement within the jurisdiction of the Tribe.

(g) To charter subordinate organizations for economic purposes and to delegate to such organizations, or to any subordinate boards or officials of the Tribe, any of the foregoing powers, reserving the right to review any actions taken by virtue of such designated power..

(h) To adopt resolutions not inconsistent with this Constitution and Bylaws, regulating the procedure of the Council itself and all other tribal agencies and tribal officers, and to exercise such duties as are conferred upon the Council by the Bylaws.

SEC. 2. Future Powers. The Duckwater Shoshone Tribe may exercise such further powers as may in the future be delegated to the Council by members of the Tribe or by the Secretary of the Interior, or any other duly authorized official or agency of the State or Federal government.

SEC. 3. Reserved Powers. Any rights and powers heretofore vested in the Indians eligible to reside on the Duckwater Reservation in accordance with the Proclamation of November 13, 1940, but not expressly referred to in this Constitution, shall not be abridged by this Article, but may be exercised by the people of the Duckwater Reservation through the adoption of appropriate bylaws and constitutional amendments.

SEC. 4. Manner of Review. Any resolution or ordinance which by the terms of this Constitution is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the Carson Indian Agency, who shall within ten days thereafter, approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of same bearing his endorsement to the Secretary of the Interior, who may, within ninety days from the date of enactment, rescind the said ordinance or resolution for any cause by notifying the Council of such decision. If the Superintendent shall refuse to approve any ordinance or resolution within ten days after its enactment, he shall advise the Council of his reasons therefor. If these reasons appear to the Council insufficient, it may, by majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within ninety days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

ARTICLE VIII — TRIBAL LANDS

SECTION 1. The lands of the Duckwater Shoshone Tribe now held or hereafter acquired by the Duckwater Shoshone Tribe, or by the United States in trust for said tribe, shall be held as tribal lands and shall be used in accordance with a land-use agreement entered into between the Tribe and the Secretary of the Interior, and no part of such lands shall be mortgaged or sold. Tribal lands shall not be allotted to

individual Indians, but agricultural lands may be assigned to members of the Tribe or otherwise used by the Tribe as hereinafter provided.

SEC. 2. In any assignments of tribal lands which are now owned by the Tribe or which may hereafter be acquired for the Tribe by the United States, or purchased by the Tribe out of tribal funds, preference shall be given, first, to heads of families who are entirely landless and secondly, to heads of families who have received assignments consisting of less than an economic unit of agricultural land, or other land or interest in land. The Tribal Council may, if it sees fit, charge a land-use fee in accordance with the terms of the land-use agreement entered into by the Tribe and the Secretary of the Interior. At least fifty percent of the proceeds of such fees will be deposited in a fund to be expended, with the approval of the Secretary of the Interior, for the purchase of additional tribal land.

Assignments made under this section shall be for the primary purpose of establishing homes for landless Indians and shall be made in accordance with the terms of the land-use agreement entered into by the Tribe and the Secretary of the Interior.

SEC. 3. If any member of the Tribe holding an assignment of land shall, for a period of one year, fail to use the land so assigned, the assignment shall be cancelled by the Council after due notice and an opportunity to be heard is granted, and the said land may be reassigned in accordance with the provisions of Section 2 of this Article. Revocation of an assignment may be appealed by the assignee to the Commissioner of Indian Affairs, who shall upon receiving such an appeal establish a board composed of three members, one member to be named by the applicant, one by the Tribal Council, and a third member to be chosen by the first two, provided that this third member shall not be a member of the Tribe and shall not be an employee of the Carson Indian Agency. The decision rendered by this Board of appeals shall be final. In case the two members first named fail to agree on a third member, the Commissioner of Indian Affairs shall make the appointment.

Upon the death of any Indian holding an assignment, his heirs or other individuals designated by him by will or by written request, shall have a preference in the re-assignment of the land, provided such persons are members of the Duckwater Shoshone Tribe who would be eligible to receive an assignment.

SEC. 4. Applications for assignments shall be filed with the Secretary of the Council and shall be in writing, setting forth the name of the person or persons applying for the land and as accurate a description of the land desired as the circumstances will permit. Notices of all applications received by the Secretary of the Council shall be posted by him in at least two conspicuous places on the reservation for not less than twenty days before action is taken by the Council. Any member of the Tribe wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections, to be filed with the Secretary of the Council, and may, if he so desires, appear before the Council to present evidence. The Secretary of the Council shall furnish the Superintendent or other officer in charge of the Agency a complete record of all action taken by the Council on applications for assignment of land, and a complete record of assignments shall be kept in the Agency office and shall be open for inspection by members of the Tribe.

Any member of the Tribe or the Superintendent may protest to the Commissioner of Indian Affairs against the action of the Council on an assignment application within 30 days after such action has been taken. Upon receiving such a protest, the Commissioner shall authorize the creation of a Board of Appeals, one member to be named by the person making the protest, one to be named by the Tribal Council, and a third

member to be chosen by the first two, provided that the third member shall not be affiliated with the Tribe and shall not be employed in the Indian Service. In case the two members first named fail to agree on a third member, the Commissioner of Indian Affairs shall make the appointment. The decision rendered by this Board of Appeals shall be final.

ARTICLE IX — REFERENDUM

Upon receipt of a petition signed by at least ten qualified voters of the Duckwater Shoshone Tribe, a referendum may be demanded on any enacted or proposed ordinance or resolution of the Council, and the vote of a majority of the qualified voters voting in such referendum shall thereafter be conclusive and binding upon the Council.

ARTICLE X — AMENDMENTS

SECTION 1. This Constitution and Bylaws may be amended by a majority vote of the qualified voters of the Duckwater Shoshone Tribe of the Duckwater Reservation, voting at an election called for that purpose by the Secretary of the Interior; Provided, That at least 30 percent of those entitled to vote shall vote at such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

SEC. 2. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment upon receipt of a petition signed by 25 percent of the qualified voters, members of the Tribe.

BYLAWS OF THE DUCKWATER SHOSHONE TRIBE

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. The Chairman of the Tribal Council shall preside over all meetings of the Council, perform all duties of a chairman, and exercise any authority delegated to him.

SEC. 2. The Vice-Chairman shall assist the chairman, when called upon so to do, and in the absence of the chairman, he shall preside. When so presiding, he shall have all the privileges, duties and responsibilities of the Chairman.

SEC. 3. The Secretary of the Tribal Council shall conduct all correspondence and keep a complete and accurate record of all matters transacted at Council meetings. It shall be his duty to submit promptly to the Superintendent of the Carson Indian Agency and the Commissioner of Indian Affairs, copies of all minutes of regular and special meetings of the Tribal Council and the Tribe.

SEC. 4. The duties of the Treasurer shall be as follows: He shall accept, receive, receipt for, preserve and safeguard all funds for which the Council is acting as trustee or custodian. He shall deposit all such funds in such bank or elsewhere as directed by the Council, and he shall keep an accurate record, filing same in the Council's office, and he shall report all receipts and expenditures and accounts, and the nature of all funds in his possession or custody once every six months to the Council in writing, or at any time he is requested to do so by the Council. He shall be required to give a bond satisfactory to the Council and the Commissioner of Indian Affairs. Until the Treasurer is bonded, the Council may make such provision for the handling of funds of the Tribe as shall guarantee their safety and proper disbursement and use.

SEC. 5. Newly elected Council members who have been duly certified shall be installed at the first regular meeting of the Council following the election.

SEC. 6. Each member of the Council and each officer or subordinate official, elected or appointed hereunder, shall take an oath of office prior to assuming the duties thereof, by which oath he shall pledge himself to support and defend the Constitution of the United States and this Constitution and Bylaws.

Oath: "I, _____, do solemnly swear that I will support and defend the Constitution of the United States against all enemies; that I will carry out faithfully and impartially the duties of my office to the best of my ability; that I will cooperate, promote, and protect the best interests of my Tribe, in accordance with its Constitution and Bylaws."

SEC. 7. Regular meetings of the Tribal Council shall be held four times yearly in the months of January, April, July and October, and at such other times as the Council shall be resolution provide, the exact day of meeting to be fixed by resolution.

SEC. 8. Special meetings may be called by written notice signed by the Chairman, or by a majority of the Council, and when so called, the Council shall have power to transact business as in regular meetings. No business shall be transacted unless a quorum is present. A quorum shall consist of a majority of the entire membership of the Council.

SEC. 9. Order of business.

- (a) Call to order by the Chairman.
- (b) Roll call.
- (c) Reading of minutes of the last meeting.
- (d) Unfinished business.
- (e) Reports.
- (f) New business.
- (g) Adjournment.

SEC. 10. The Tribal Council may prescribe such salaries and expenses for officers or members of the Council as may be deemed advisable, from such funds as may be available.

ARTICLE II → ORDINANCES AND RESOLUTIONS

SECTION 1. All final decisions of the Council on matters of general and permanent interest to the members of the Tribe, shall be embodied in ordinances. Such ordinances shall be collected and published from time to time for the information and education of the members of the Tribe.

SEC. 2. All final decisions of the Council on matters of temporary interest, (such as action on the tribal budget for a single year, or petitions to Congress or the Secretary of the Interior) or relating especially to particular individuals or officials (such as adoption of members, instructions for Council employees, or rules of order for the Council), shall be embodied in resolutions. Such resolutions shall be recorded in a special book which shall be open to public inspection.

SEC. 3. All questions of procedure (such as acceptance of committee reports or invitations to outsiders to speak) shall be decided by motion of the Council or by the ruling of the Chairman, if no objection is heard. On all ordinances, resolutions, or motions, the Council may act by majority vote, but all matters of importance shall be fully discussed and a reasonable attempt be made to secure a unanimous agreement.

SEC. 4. Every ordinance shall begin with the words, "Be it enacted by the Duckwater Tribal Council." Every resolution shall begin with the words, "Be it resolved by the Duckwater Tribal Council."

ARTICLE III -- ADOPTION OF CONSTITUTION AND BYLAWS

This Constitution and Bylaws shall be in full force and effect whenever a majority of the Shoshone Indians residing on the Duckwater Reservation, Nevada, in accordance with the Proclamation of November 13, 1940, voting at an election called by the Secretary of the Interior in which at least 30 percent of the eligible voters shall vote, shall have ratified such Constitution and Bylaws and the Secretary of the Interior shall have approved same, as provided in the Act of June 18, 1934, as amended by the Act of June 15, 1935.

I, Oscar L. Chapman, the Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 13, 1934 (48 Stat. 984), as amended, do hereby approve the attached Constitution and Bylaws of the Duckwater Shoshone Tribe of the Duckwater Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution and Bylaws will be inapplicable to these Indians from and after the date of their adoption thereof.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and Bylaws.

Approval recommended: November 26, 1940.

F. H. DAIKER,
Assistant to the Commissioner of Indian Affairs.

OSCAR L. CHAPMAN,
Assistant Secretary

[SEAL]

WASHINGTON, D.C., November 28, 1940.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved November 28, 1940 by the Assistant Secretary of the Interior, the attached Constitution and Bylaws was submitted for ratification to the Indians of the Duckwater Reservation and was on November 30, 1940, duly approved by a vote of 36 for, and 0 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935.

OLIVER IKE,
Chairman, Election Board

BROWNIE SAM,
Secretary, Election Board

DON C. FOSTER,
Superintendent, Carson Agency

CONSTITUTION AND BY-LAWS OF THE SHOSHONE-PAIUTE
TRIBES OF THE DUCK VALLEY RESERVATION OF NEVADA

Approved April 20, 1936

PREAMBLE

We, the Indians of the Shoshone-Paiute Tribes of the Duck Valley Reservation, in order to establish a more perfect tribal organization, promote the general welfare, encourage educational progress, conserve and develop our lands and other resources, and secure unto ourselves, and our posterity the power to exercise certain rights of home rule, in accordance with, and by the authority of the act of Congress of June 18, 1934, do ordain and establish this constitution and bylaws for the Shoshone-Paiute Tribes of the Duck Valley Reservation.

ARTICLE I -- NAME AND TERRITORY

SECTION 1. The name of this organized body shall be the Shoshone-Paiute Tribes of the Duck Valley Reservation, hereinafter called the Shoshone-Paiute Tribes.

SEC. 2. The jurisdiction of the Shoshone-Paiute Tribes shall extend to the territory within the present confines of the Duck Valley Reservation boundaries, as set forth by Executive orders of April 16, 1877, May 4, 1886, and July 1, 1910, and shall extend to such other lands as may be added thereto hereafter, under any law of the United States, except as otherwise provided by law.

ARTICLE II -- MEMBERSHIP

SECTION 1. The membership of the Shoshone-Paiute Tribes shall consist as follows:

(a) All persons of Indian blood lawfully enrolled upon the Duck Valley Reservation whose names appeared on the official census roll as of January 1, 1935, provided that such roll may be corrected within 6 months after approval of this constitution and bylaws by the Shoshone business council with the approval of the Secretary of the Interior.

(b) All children born to any member of the Shoshone-Paiute Tribes who is a resident of the reservation at the time of the birth of said child.

SEC. 2. The business council shall have the power to promulgate ordinances, subject to review by the Secretary of the Interior, governing future membership and the adoption of new members, making any necessary adjustments of property rights.

ARTICLE III -- GOVERNING BODY

SECTION 1. The governing body of the Shoshone-Paiute Tribes shall consist of a council known as the business council.

SEC. 2. The membership of this council shall consist of a chairman and six councilmen duly elected to serve 3 years. A chairman shall be elected every 3 years, and two councilmen shall be elected each year.

SEC. 3. The business council shall select from within its membership, (1) a vice

chairman, and from within or without, (2) a secretary, and (3) a treasurer. The council may appoint or employ such other offices and committees as may be deemed necessary.

SEC. 4. The first election for the business council hereunder shall be called, held, and supervised by the present business council, within 60 days after ratification and approval of this constitution. The two candidates for councilman receiving the highest number of votes shall serve 3 years; the two candidates receiving the next highest number of votes shall serve 2 years; and the two candidates receiving the third highest number of votes shall serve 1 year, and they shall hold office until their successors are duly elected and qualified.

ARTICLE IV -- ELECTION AND NOMINATION

SECTION 1. All members of the Shoshone-Paiute Tribes 21 years of age or over who have maintained legal residence on the reservation for a period of at least 1 year immediately prior to any election, shall have the right to vote.

SEC. 2. All elections shall be by secret ballot.

SEC. 3. The time and place of voting shall be designated by the business council.

SEC. 4. Nomination of candidates for office under this constitution shall be by petition, signed by not less than 10 legal voters. A voter may sign only one petition for each office. Petitions for nominations shall be filed with the secretary of the business council at least 30 days prior to the election for which the candidate makes such petition. The list of qualified candidates shall be posted by the secretary of the business council at the agency office, and in not less than three other conspicuous places on the reservation not less than 2 weeks prior to the election.

SEC. 5. All elections shall be held in accordance with rules and regulations made by the business council or by an election board appointed by the business council.

ARTICLE V -- VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If an officer or a member of the council shall die, resign, be removed or recalled from office, permanently leave the reservation, or be found guilty of a felony or misdemeanor involving dishonesty in any Indian, State, or Federal court, the council shall declare the position vacant and appoint to fill the unexpired term.

SEC. 2. The business council may by four affirmative votes expel any member for neglect of duty or gross misconduct. Before any vote for expulsion is taken in the matter, such member or officer shall be given an opportunity to answer any or all charges at a designated council meeting, and the decision of the business council shall be final.

SEC. 3. Recall from office. Upon receipt of a petition signed by one-third of the eligible voters of the Shoshone-Paiute Tribes calling for the recall of any member of the council, it shall be the duty of the council to call an election on such recall petition. No member may be recalled in any such election unless at least 30 percent of the legal voters of the Shoshone-Paiute Tribes shall vote at such election.

ARTICLE VI -- POWERS OF THE BUSINESS COUNCIL

SECTION 1. Enumerated powers. The business council of the Shoshone-Paiute Tribes shall exercise the following powers, subject to any limitations imposed by the Constitution or Statutes of the United States, and subject further to all express restrictions upon such powers contained in this constitution and bylaws, and subject to review by the voters themselves at any annual or special meeting.

(a) To negotiate with the Federal, State, and local Governments on behalf of the tribes and to advise and consult with the representatives of the Interior Department on all activities of the Department that may affect the Shoshone-Paiute Tribes.

(b) To employ legal counsel for the protection and advancement of the rights of the Shoshone-Paiute Tribes, the choice of counsel and fixing of fees to be subject to the approval of the voters and of the Secretary of the Interior.

(c) To approve or veto any disposition, lease or encumbrance of tribal lands or other tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs or any other official or agency of government, provided that no tribal lands shall ever be encumbered or sold except for governmental purposes, or leased for a period exceeding 5 years unless otherwise provided by law.

(d) To advise the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Shoshone-Paiute Tribes prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To make assignments of reservation land to members of the Shoshone-Paiute Tribes in conformity with article VIII of this constitution.

(f) To undertake and manage all economic affairs and enterprises of the tribes in accordance with the terms of a charter that may hereafter be issued to the Shoshone-Paiute Tribes by the Secretary of the Interior.

(g) To appropriate any available funds for salaries of tribal officials or for public purposes of the Shoshone-Paiute Tribes, provided that any such appropriation made prior to July 1, 1940, shall be subject to review by the Secretary of the Interior.

(h) To levy taxes upon members of the Shoshone-Paiute Tribes, to require the performance of community labor in lieu thereof, and to levy taxes or license fees, upon nonmembers doing business within the jurisdiction.

(i) To exclude from the jurisdiction persons not legally entitled to reside therein, under ordinances which shall be subject to review by the Secretary of the Interior.

(j) To enact resolutions or ordinances not inconsistent with article II of this constitution governing adoption and abandonment of membership.

(k) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Shoshone-Paiute Tribes and providing for the maintenance of law and order and the administration of justice by establishing a reservation court and defining its duties and powers.

(l) To safeguard and promote the peace, safety, morals, and general welfare of the Shoshone-Paiute Tribes by regulating the conduct of trade and the use and disposition of property upon the reservation provided that any ordinances directly affecting nonmembers shall be subject to review by the Secretary of the Interior.

(m) To charter subordinate organizations for economic purposes, and to regulate the activities of cooperative associations of members of the Shoshone-Paiute Tribes by ordinance: Provided, That any such ordinance shall be subject to review by the Secretary of the Interior.

(n) To regulate the inheritance of property, including personal, within the territory of the Duck Valley Reservation, subject to review by the Secretary of the Interior.

(o) To regulate the domestic relations of members of the Shoshone-Paiute Tribes.

(p) To provide for the appointment of guardians for minors and mental incompetents by ordinances or resolutions, subject to review by the Secretary of the Interior.

(q) To cultivate and preserve native arts, crafts, culture, and Indian ceremonies.

(r) To adopt resolutions regulating the procedure of the council itself and of other tribal agencies and tribal officials of the Shoshone-Paiute Tribes.

(s) To delegate to subordinate boards, committees, or other cooperative associations which are open to all members of the tribes any of the foregoing powers, reserving the right to review any action taken by virtue of the foregoing powers.

SEC. 2. Manner of review. Any resolution or ordinance, which by the terms of this constitution is subject to review by the Secretary of the Interior, shall be presented to the superintendent of the reservation, who shall, with 10 days thereafter, approve or disapprove the same.

If the superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within 90 days from the date of enactment, rescind the said ordinance or resolution for any cause by notifying the business council of such decision.

If the superintendent shall refuse to approve any resolution or ordinance submitted to him, within 10 days after its enactment, he shall advise the business council of his reasons therefor. If these reasons appear to the business council insufficient, it may by a majority vote, refer the ordinance or resolution with the superintendent's objections, to the Secretary of the Interior, who may within 90 days from the date of its enactment approve the same in writing whereupon the said ordinance or resolution shall become effective.

SEC. 3. Future powers. The business council of the Duck Valley Reservation may exercise such further powers as may in the future be delegated to the council by the Secretary of the Interior, or by any other duly authorized official or agency of government.

SEC. 4. Reserved powers. Any rights and powers heretofore vested in the Tribes

of the Duck Valley Reservation but not expressly referred to in this constitution shall not be abridged by this article, but may be exercised by the people of the Shoshone-Paiute Tribes through the adoption of appropriate bylaws and constitutional amendments.

SEC. 5. Manner of review by the tribes. The chairman of the business council shall call a general meeting of qualified voters annually, at which time he shall report in detail what has been done during the past year and set forth the plans of the business council for the coming year. This shall be freely discussed at this general meeting and the wishes of the people may be expressed by recommendation to the business council. The chairman may call special meetings of the tribes when necessary and shall do so upon a petition of at least 50 legal voters.

ARTICLE VII — BILL OF RIGHTS

SECTION 1. Suffrage. All members of the tribes, 21 years of age or over, shall have the right to vote in all tribal elections. The residence qualifications established by article IV of this constitution shall apply to all elections except elections for the amendment of this constitution and bylaws.

SEC. 2. Economic rights. All members of the tribes shall be accorded equal opportunities to participate in the economic resources and activities of the reservation.

SEC. 3. Civil liberties. All members of the tribes may enjoy without hindrance freedom of worship, conscience, speech, press, assembly, and association.

SEC. 4. Rights of accused. Any member of the Shoshone-Paiute Tribes accused of any offense shall have the right to a prompt, open and public hearing, with due notice of the offense charged and shall be permitted to summon witnesses upon his own behalf. Trial by jury may be demanded by any prisoner accused of any offense punishable by more than 60 days' imprisonment or \$45 fine. Excessive bail shall not be required and cruel punishment shall not be imposed.

ARTICLE VIII — TRIBAL LANDS

SECTION 1. Lands. The lands of the Duck Valley Reservation and all lands which may hereafter be acquired by the Shoshone-Paiute Tribes or by the United States in trust for the Shoshone-Paiute Tribes, shall be held as tribal lands, and no part of such lands shall be mortgaged or sold. Tribal lands shall not be allotted to individual Indians but may be assigned to members of the Shoshone-Paiute Indians, or leased, or otherwise used by the tribes as hereinafter provided.

SEC. 2. Leasing of tribal lands. Tribal lands may be leased by the business council, with the approval of the Secretary of the Interior, for such periods of time as are permitted by law. In the leasing of tribal lands, preference shall be given, first, to Indian cooperative associations, and second, to individual Indians who are members of the Shoshone-Paiute Tribes.

Each family of the reservation shall be permitted to graze an amount of stock not exceeding a maximum fixed by ordinance of the business council, provided the stock is actually the property of the family. The business council shall levy and collect a reasonable fee for all additional animals permitted to graze on tribal land. The number of head of stock permitted to graze on the tribal lands shall at no time exceed the maximum figure consistent with the proper conservation of the range, as determined by the Secretary of the Interior, pursuant to section 6 of the act of June 18, 1934.

The proceeds of such lease rentals and permit fees shall not be used for Federal administration purposes, but shall be used for the support of the helpless and for other public purposes of the Shoshone-Paiute Tribes.

SEC. 3. Land assignments. Tribal land may be assigned by the business council for the use and occupancy of members of the Shoshone-Paiute Tribes, upon the following conditions:

(a) Every member of the Shoshone-Paiute Tribes who has attained the age of 21 years, or who, regardless of age, is married, shall be entitled to select land for assignment.

(b) The amount of land to be assigned to each applicant shall be fixed from time to time by ordinance of the business council, which shall take into consideration the amount of land that any applicant can properly use and care for, but no assignment to any person shall exceed 40 acres. No person shall be entitled to hold more land than he or she can properly use, but in case of temporary absence from the reservation or temporary physical disability the holder of an assignment may permit any other member of the Shoshone-Paiute Tribes to make use of his or her land.

(c) If any member of the tribes holding an assignment of land shall, for a period of 2 years, fail to use the land so assigned or use such land for any unlawful purposes, his assignment may be canceled by the business council, after due notice and an opportunity to be heard, and the said land may be reassigned in accordance with the provisions of section 6 of this article.

(d) The land of a deceased person may be held in his or her name, for the support of minor children if they are not married.

(e) If a person dies without leaving dependent minor children his or her land shall revert to the Shoshone-Paiute Tribes and may be selected by someone else. The heirs or devisees of the deceased person shall have the first chance, if they are eligible to receive assignments.

SEC. 4. Inheritance of improvements. Improvements of any character made upon assigned land may be bequeathed to, and inherited by members of the Shoshone-Paiute Tribes or otherwise disposed of under such regulations as the business council shall provide. No permanent improvements shall be removed from the land without the consent of the business council.

SEC. 5. Exchange of assignments. Assignments may be exchanged by the members of the Shoshone-Paiute Tribes by common consent in such manner as the business council shall designate.

SEC. 6. Method of making assignments. Applicants for assignments shall be filed with the secretary of the business council and shall be in writing, setting forth the name of the person or persons applying for the land and as accurate a description of the land desired as the circumstances will permit. Notices of all applications received by the secretary shall be posted by him in the agency office and in at least three other conspicuous places on the reservation for not less than 20 days before action is taken by the business council. Any member of the tribes wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections to be filed by the secretary of the business council and may, if he so desires, appear before the business council to present evidence. The secretary of the business

council shall furnish the superintendent or other officers in charge of the agency a complete record of all action taken by the business council on applications for assignments of land, and a complete record of assignments shall be kept in the agency office and shall be open for inspection by members of the tribes. The business council shall draw up one or more forms for land assignments which shall be subject to the approval of the Secretary of the Interior.

SEC. 7. The business council, if it sees fit, may charge a fee not to exceed \$5.00, on approval of an assignment made under this section.

ARTICLE IX — REFERENDUM

SECTION 1. Upon a petition of at least one-third of the eligible voters of the Shoshone-Paiute Tribes, or upon the request of a majority of the members of the business council, any enacted or proposed ordinance or resolution of the council shall be submitted to a popular referendum, and the vote of a majority of the qualified voters voting in such referendum shall be conclusive and binding on the business council, provided that at least 30 percent of the eligible voters shall vote in such election.

ARTICLE X — AMENDMENTS

SECTION 1. This constitution and bylaws may be amended by a majority vote of qualified voters of the Shoshone-Paiute Tribes voting at an election called for that purpose by the Secretary of the Interior, provided that at least 30 percent of those entitled to vote shall vote in such election, but no amendment shall become effective until it shall have been approved by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment at the request of two-thirds of the council, or upon presentation of a petition signed by one-third of the qualified voters, members of the Shoshone-Paiute Tribes.

BYLAWS OF THE SHOSHONE-PAIUTE TRIBES

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. Chairman of the Business Council. The chairman of the business council shall preside over all meetings of the tribes and of the business council. He shall perform all duties of a chairman and exercise any authority delegated to him by the business council. He shall vote only in the case of a tie.

SEC. 2. Vice-chairman of the Business Council. The vice chairman shall assist the chairman when called upon to do so and in the absence of the chairman he shall preside. When so presiding, he shall have all the rights, privileges, and duties as well as responsibilities of the chairman.

SEC. 3. Secretary of the Business Council. The secretary of the business council shall conduct all tribal correspondence and keep a complete and accurate record of all matters transacted at council meetings. It shall be his duty to submit promptly to the superintendent of the jurisdiction, and to the Commissioner of Indian Affairs, copies of all minutes of all regular and special meetings of the business council.

SEC. 4. Treasurer of the Business Council. The treasurer to the business council shall accept, receive, receipt for, preserve, and safeguard all funds in the custody of the business council, whether same be tribal funds or special funds for which the business council is acting as treasurer or custodian. He shall deposit all such funds in such banks or elsewhere as directed by the business council. He shall make and preserve a faithful record of such funds. He shall report on all receipts and expenditures and the amount and nature of all funds in his possession or custody, such report being made in writing to the business council at regular meetings and at such other times as requested by the business council. He shall not pay out nor authorize disbursement of any funds in his possession or custody, or in the possession or custody of the business council, except when properly authorized so to do by resolution duly passed by the business council.

The books and records of the treasurer shall be audited at least once each year by a competent auditor employed by the business council or by a Federal employee appointed by the council and approved by the Secretary of the Interior, and at such other times as the business council or the Commissioner of Indian Affairs shall direct.

The treasurer shall be required to give a bond satisfactory to the business council and to the Commissioner of Indian Affairs. The treasurer shall be present at all special or regular meetings of the business council.

SEC. 5. Appointive Officers. The duties of all appointive committees or officers of the Shoshone-Paiute Tribes shall be clearly defined by resolution of the business council at the time of their creation or appointment. Such committees and officers shall report, from time to time as required, to the business council, and their activities and decisions shall be subject to review by the business council upon the petition of any person aggrieved.

ARTICLE II -- QUALIFICATIONS OF OFFICERS AND COUNCILMEN

No person shall be a candidate for membership in the business council unless he shall be a member of the Shoshone-Paiute Tribes and shall have resided for a period of 1 year next preceding the election on the reservation and be at least 25 years of age.

ARTICLE III -- CERTIFICATION OF ELECTION

It shall be the duty of the members of the business council to certify to the election of the duly-elected officers and council members. This shall be done within 5 days after election, and the certificate filed with the secretary.

ARTICLE IV -- INSTALLATION OF COUNCILMEN

Each member of the business council and each officer or subordinate officer, elected or appointed, hereunder, shall take an oath of office prior to assuming the duties thereof, by which oath he shall pledge himself to support and defend the Constitution of the United States and this constitution and bylaws. The following form of oath of office shall be given: "I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies; that I will carry out faithfully and impartially the duties of my office to the best of my ability; that I will promote and protect the best interests of my tribe, in accordance with this constitution and bylaws."

ARTICLE V — TIME AND PLACE OF REGULAR MEETINGS AND PROCEDURE

SECTION 1. Meetings. Regular meetings of the business council shall be held on the second Tuesday of each quarter at 2 p.m. at Owyhee, Nev., at a designated building or hall where official records will be kept. Special meetings may be called by written notice signed by the chairman or by a majority of the council members and when so called the business council shall have power to transact business as in regular meetings.

SEC. 2. Quorum. No business shall be transacted unless a quorum is present. A quorum shall consist of four councilmen. A quorum shall consist of four councilmen. A quorum at a general business meeting of the Shoshone-Paiute Tribes shall consist of at least 60 qualified voters at the annual meeting, and 50 qualified voters at all called meetings.

SEC. 3. Order of Business. The following order of business is established for all meetings:

- Call to order by the chairman.
- Roll call.
- Ascertainment of a quorum.
- Reading the minutes of the last meetings.
- Adoption of the minutes by a vote or common consent.
- Unfinished business.
- New business.
- Adjournment.

SEC. 4. Ordinances and Resolutions. All final decisions of the business council on matters of general and permanent interest to the members of the tribes shall be embodied in ordinances. Such ordinances shall be collected and published from time to time for the information and education of the members of the tribes.

All final decisions of the business council on matters of temporary interest (such as action on the reservation budget for a single year, or petition to Congress or the Secretary of the Interior) or relating especially to particular individuals or officials (such as adoption of members, instructions for tribal members, or rules of order for the business council) shall be embodied in resolutions. All resolutions shall be recorded in a special book which shall be open to public inspection. All questions of procedure (such as acceptance of committee reports or invitations to outsiders to speak) shall be decided by motion duly passed or by ruling of the chairman if no objection is heard. In all ordinances, resolutions, or motions, the business council may act by a majority vote, but all matters of importance shall be fully discussed and a reasonable attempt shall be made to secure the unanimous agreement of the council, and parliamentary procedure shall otherwise be governed by Roberts' Rule of Order.

SEC. 5. Legislative Forms. Every ordinance shall begin with the words: "Be it enacted by the business council of the Shoshone-Paiute Tribes . . ."

Every resolution shall begin with the words: "Be it resolved by the business council of the Shoshone-Paiute Tribes . . ."

ARTICLE VI — RATIFICATION OF CONSTITUTION AND BYLAWS

This constitution and bylaws, when adopted by a majority vote of the voters of the

Shoshone-Paiute Tribes voting at a special election called by the Secretary of the Interior, in which at least 30 percent of those entitled to vote shall vote, shall be submitted to the Secretary of the Interior for his approval, and shall be in force from the date of such approval.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved March 3, 1936, by the Secretary of the Interior, the attached constitution and bylaws was submitted for ratification to the members of the Shoshone-Paiute Indian Tribes of the Western Shoshone or Duck Valley Reservation and was on March 21, 1936, duly approved by a vote of 183 for and 57 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the act of June 15, 1935 (49 Stat. 378).

EVAN LeROY HARVEY,
Chairman of Election Board.

WEBSTER THOMAS,
Secretary of Election Board.

ROGER SMITH, Member.

HERMAN SCHURZ, Member.

E. E. McNEILLY,
Superintendent in Charge of the Reservation.

I, Harold L. Ickes, the Secretary of the Interior of the United States of America, by virtue of the authority granted me by the act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached constitution and bylaws of the Shoshone-Paiute Tribes of the Duck Valley Reservation.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution or bylaws are hereby declared inapplicable to the Shoshone-Paiute Tribes of the Duck Valley Reservation.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and bylaws.

Approval recommended: April 15, 1936.

JOHN COLLIER,
Commissioner of Indian Affairs.

HAROLD L. ICKES
Secretary of the Interior

[SEAL]

WASHINGTON, D.C., April 20, 1936.

AMENDMENT, CONSTITUTION AND BYLAWS OF THE SHOSHONE-PAIUTE
TRIBES OF THE DUCK VALLEY RESERVATION, NEVADA

AMENDMENT I

Article II of the constitution, Membership, shall be amended in its entirety to read as follows:

SECTION 1. The membership of the Shoshone-Paiute Tribes of the Duck Valley Reservation shall consist of the following:

(a) All persons whose names appear on the official census roll of the Western Shoshone Reservation as of January 1, 1935; provided, that such roll may be corrected at any time with the approval of the Secretary of the Interior.

(b) All natural children of any member; provided, that such children born after the date of the approval of this amendment must possess at least 1/4 degree Shoshone and/or Paiute Indian blood to be eligible for membership.

SEC. 2. Notwithstanding the above membership criteria, no person shall be eligible for membership who has been allotted or possesses an assignment of land on any other Indian Reservation or Colony (this does not include lands acquired through inheritance), or who is enrolled with any other Indian group.

SEC. 3. The business council shall have the power to promulgate ordinances, subject to the approval of the Secretary, governing enrollment procedures, loss of membership, and the adoption of new members.

SEC. 4. Any person refused membership by the business council shall have the right of appeal to the Secretary of the Interior.

APPROVAL

I, Harry R. Anderson, Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached Amendment I to the Constitution and Bylaws of the Shoshone-Paiute Tribes of the Duck Valley Reservation.

Approval recommended:

/S/ ROBERT L. BENNETT
Commissioner of Indian Affairs.

/S/ HARRY R. ANDERSON
Assistant Secretary of the Interior

[SEAL]

WASHINGTON, D.C., May 20, 1966

CORPORATE CHARTER OF THE YOMBA SHOSHONE TRIBE OF THE
YOMBA RESERVATION, NEVADA

Ratified December 22, 1939

A Federal Corporation Chartered Under the Act of June 18, 1934.

Whereas, the Shoshone Indians residing on the Yomba Reservation in the State of Nevada constitute a recognized Indian tribe eligible to organize under sections 16 and 17 of the Act of June 18, 1934, as amended by the Act of June 15, 1935 (49 Stat. 378); and

Whereas, more than one-third of the adult members of the Tribe have petitioned that a charter of incorporation be granted to such tribe, subject to ratification by a vote of the adult Indians living on the reservation;

Now, therefore, I, Oscar L. Chapman, the Assistant Secretary of the Interior, by virtue of the authority conferred upon me by the said Act of June 18, 1934 (48 Stat. 984), do hereby issue and submit this charter of incorporation to the Yomba Shoshone Tribe of the Yomba Reservation, to be effective from and after such time as it may be ratified by a majority vote of the adult Indians living on the reservation at an election in which at least 30 percent of the eligible voters vote: Provided, That the said Constitution and Bylaws have been duly ratified.

1. Corporate Existence. In order to further the economic development of the Yomba Shoshone Tribe of the Yomba Reservation in the State of Nevada by conferring upon the said Tribe certain corporate rights, powers, privileges, and immunities; to secure for the members of the Tribe an assured economic independence; and to provide for the proper exercise by the Tribe of various functions heretofore performed by the Department of the Interior, the aforesaid Tribe is hereby chartered as a body politic and corporate of the United States of America, under the corporate name "The Yomba Shoshone Tribe".

2. Perpetual Succession. The Yomba Shoshone Tribe shall, as a Federal Corporation, have perpetual succession.

3. Membership. The Yomba Shoshone Tribe shall be a membership corporation. Its members shall consist of all persons now or hereafter members of the Tribe, as provided by its duly ratified and approved Constitution and By-laws.

4. Management. The Yomba Tribal Council established in accordance with the said Constitution and By-laws of the Tribe shall exercise all the corporate powers herein-after enumerated.

5. Corporate Powers. The Tribe, subject to any restrictions contained in the Constitution and laws of the United States, or in the Constitution and By-laws of the said Tribe, shall have the following corporate powers, in addition to all powers already conferred or guaranteed by the tribal Constitution and By-laws:

(a) To adopt, use, and alter at its pleasure a corporate seal.

(b) To purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, subject to the following limitations:

- (1) No sale nor mortgage may be made by the Tribe of any land or interests in land, including mineral rights, now or hereafter held by the Tribe within the boundaries of the Yomba Shoshone Reservation.
- (2) No leases or permits (which terms shall not include land assignments to members of the Tribe) covering any land or interests in land now or hereafter held by the Tribe within the boundaries of the Yomba Reservation shall be made by the Tribe for a longer term than five years, and all such leases and permits must be approved by the Secretary of the Interior or by his authorized representative; but mineral leases or any leases requiring substantial improvements of the land may be made for longer periods when authorized by law.
- (3) No action shall be taken by or in behalf of the Tribe which in any way operates to destroy or injure the tribal grazing lands or other natural resources of the Yomba Reservation. All leases or permits relating to the use of tribal grazing lands shall conform to regulations of the Secretary of the Interior authorized by Section 6 of the Act of June 18, 1934, with respect to range carrying capacity and other matters therein specified. Conformity to such regulations shall be made a condition of any such lease or permit whether or not such agreement requires the approval of the Secretary of the Interior, and violation of such conditions shall render the agreement revocable, in the discretion of the Secretary of the Interior.
- (c) To issue interests in corporate property in exchange for restricted Indian lands, the forms for such interests to be approved by the Secretary of the Interior.
- (d) To borrow money from the Indian Credit Fund in accordance with the terms of Section 10 of the Act of June 18, 1934 (48 Stat. 984), or from any other governmental agency, or from any member or association of members of the Tribe, and to use such funds directly for productive tribal enterprises, or to loan money thus borrowed to individual members or associations of members of the Tribe: Provided, That the amount of indebtedness to which the Tribe may subject itself, aside from loans from the Indian Credit Fund, shall not exceed \$500, except with the express approval of the Secretary of the Interior.
- (e) To engage in any business that will further the economic well-being of the members of the Tribe or to undertake any activity of any nature whatever, not inconsistent with law or with any provisions of this Charter.
- (f) To make and perform contracts, and agreements of every description, not inconsistent with law or with any provisions of this Charter, with any person, association, or corporation, with any municipality or any county, or with the United States or the State of Nevada, including agreements with the State of Nevada, for the rendition of public services: Provided, That all contracts involving payment of money by the corporation in excess of \$300 in any one year shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(g) To pledge or assign chattels or future tribal income due or to become due to the Tribe: Provided, That no such assignment of tribal income, other than an assignment to the United States, shall extend more than ten years from the date of execution and shall not amount for any one year to more than one-half of the net tribal income from any one source: And provided further, That any such pledges or assignments shall be subject to the approval of the Secretary of the Interior or his duly authorized representative.

(h) To deposit corporate funds, from whatever source derived, in any national or state bank to the extent that such funds are insured by the Federal Deposit Insurance Corporation, or secured by a surety bond, or other security, approved by the Secretary of the Interior; or to deposit such funds in the Postal Savings Bank or with a bonded disbursing officer of the United States to the credit of the Tribe.

(i) To sue and to be sued in courts of competent jurisdiction within the United States; but the grant or exercise of such power to sue and to be sued shall not be deemed a consent by the Tribe or by the United States to the levy of any judgment, lien or attachment upon the property of the Tribe other than income or chattels specially pledged or assigned.

(j) To exercise such further incidental powers, not inconsistent with law, as may be necessary to the conduct of corporate business.

6. Termination of Supervisory Powers. Upon request of the Yomba Tribal Council for the termination of any supervisory power reserved to the Secretary of the Interior under sections 5 (b) 2, 5 (c), 5 (d), 5 (f), 5 (g), 5 (h), and section 8 of this Charter, the Secretary of the Interior, if he shall approve such request, shall thereupon submit the question of such termination for ratification by the Tribe. The termination shall be effective upon ratification by a majority vote of the adult members of the Tribe residing on the Reservation, at an election in which at least 30 percent of the eligible voters vote. If at any time after ten years from the date of approval of this Charter the Secretary shall disapprove a request for the termination of any such power, or fail to approve or disapprove it within 90 days after its receipt, the question of its termination may then be submitted by the Secretary, or by the Tribal Council, to popular referendum of the adult members of the Tribe actually living within the Reservation, and if the termination is approved by two-thirds of the eligible voters, it shall be effective.

7. Corporate Property. No property rights of the Yomba Shoshone Tribe shall be in any way impaired by anything contained in this Charter, and the tribal ownership of unallotted lands, whether or not assigned to the use of any particular individuals, is hereby expressly recognised. The individually owned property of members of the Tribe shall not be subject to any corporate debts or liabilities, without such owners' consent. Any existing lawful debts of the Tribe shall continue in force, except as such debts may be satisfied or cancelled pursuant to law.

8. Corporate Dividends. The Tribe may issue to each of its members a nontransferable certificate of membership evidencing the equal share of each member in the assets of the Tribe and may distribute per capita among the recognized members of the Tribe or to other persons, and over and above all sums which may be devoted to the establishment of a reserve fund, the construction of public works, the costs of public enterprises, the expenses of tribal government, the needs of charity, or other corporate purpose. No such distribution of profits in any one year amounting to a distribution of more than one-half of the accrued surplus shall be made without the

approval of the Secretary of the Interior. No financial assets of the Tribe shall be distributed except as provided herein.

9. Corporate Accounts. The officers of the Tribe shall maintain accurate and complete public accounts of the financial affairs of the Tribe, which shall clearly show all credits, debts, pledges, and assignments, and shall furnish an annual balance sheet and report of the financial affairs of the Tribe to the Commissioner of Indian Affairs.

10. Amendments. This Charter shall not be revoked or surrendered except by Act of Congress, but amendments may be proposed by resolutions of the Yomba Tribal Council, which, if approved by the Secretary of the Interior, shall be effective when ratified by a majority vote of the adult members living on the Reservation at a popular referendum in which at least 30 percent of the eligible voters vote.

11. Ratification. This Charter shall be effective from and after the date of its ratification by a majority vote of the adult members of the Yomba Reservation, provided at least 30 percent of the eligible voters shall vote, and provided further, that the said Constitution and By-laws have been duly ratified, such ratification to be formerly certified by the Superintendent of the Carson Agency and the Chairman and Secretary of the Yomba Tribal Council.

Submitted by the Assistant Secretary of the Interior for ratification by the Yomba Shoshone Tribe of the Yomba Reservation.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[SEAL]

WASHINGTON, D.C., December 20, 1939.

CERTIFICATION

Pursuant to section 17 of the act of June 18, 1934 (48 Stat. 984), this Charter, issued on December 20, 1939, by the Assistant Secretary of the Interior to the Yomba Shoshone Tribe in the State of Nevada, was duly submitted for ratification to the adult Indians residing on the reservation and was on December 22, 1939, duly ratified by a vote of 20 for, and 0 against, in an election in which over thirty percent of those entitled to vote cast their ballots.

HICKS DARROUGH,
Chairman, Yomba Tribal Council.

HOMER SAM,
Secretary, Yomba Tribal Council.

DON C. FOSTER,
Acting Superintendent, Carson Agency.

CONSTITUTION AND BY-LAWS OF THE YOMBA SHOSHONE TRIBE
OF THE YOMBA RESERVATION,
NEVADA

Approved December 20, 1939

PREAMBLE

We, the Shoshone Indians residing on lands proclaimed on October 27, 1938, to be an Indian Reservation, which shall be known hereafter as the Yomba Reservation, in order to establish a tribal organization, to conserve our tribal property, to develop our resources, to administer justice, and to promote the welfare of ourselves and our descendants, do hereby ordain and establish this Constitution and By-Laws for the Yomba Shoshone Tribe.

ARTICLE I — NAME AND TERRITORY

SECTION 1. The name of this organized body shall be the Yomba Shoshone Tribe.

SEC. 2. The jurisdiction of the Yomba Shoshone Tribe shall include all the territory within the confines of the Yomba Reservation as established by the Proclamation dated October 27, 1938, and shall extend to such other lands as may hereafter be acquired by the Yomba Shoshone Tribe or by the United States in trust for said Tribe.

ARTICLE II — MEMBERSHIP

SECTION 1. The membership of the Yomba Shoshone Tribe shall consist of the following:

(a) All persons of at least one-half degree Shoshone Indian blood who may be designated by the Secretary of the Interior as eligible for residence on lands purchased heretofore or hereafter for the benefit of landless Shoshone Indians.

(b) Any other person of at least one-half degree of Shoshone blood whose name appears on the Carson Agency census of the Yomba Shoshone Indians who applies in writing to the Yomba Tribal Council.

(c) All children of at least one-half degree of Shoshone Indian blood born to any member of the Tribe.

SEC. 2. The Tribal Council shall cancel the membership of any adult person who makes application to sever his tribal relation, and thereafter such person shall cease to hold membership in the Tribe.

SEC. 3. The Tribal Council shall have power to promulgate ordinances subject to review by the Secretary of the Interior, governing adoption and loss of membership.

ARTICLE III — GOVERNING BODY

SECTION 1. The governing body of the Yomba Shoshone Tribe of the Yomba Reservation shall be a council known as the Yomba Tribal Council.

SEC. 2. The Tribal Council shall consist of six councilmen to be elected from the two districts as set forth hereafter.

SEC. 3. The Reservation shall be divided into two districts, to be known as the Upper District and the Lower District. Until otherwise defined, as hereinafter provided, the Upper District will include the tract known as the Doyle Ranch, and the Lower District will include the tract known as the Bowler Ranch. Each district shall elect three council members.

SEC. 4. The Tribal Council shall have the power to extend the boundaries of each district appropriately as more land is acquired and added to the Reservation, and to change the number of councilmen to be elected by each district in order to keep district council representation approximately proportionate to population, but the total number of councilmen shall not be changed, remaining as provided in Section 2 of Article III of this Constitution.

SEC. 5. The Tribal Council so organized shall elect from among its own members (1) a chairman, and (2) a vice-chairman, and from within or without its own membership, (3) a secretary, and (4) a treasurer, and may appoint or employ such other officers and committees as may be deemed necessary.

SEC. 6. In all elections after the first election, no person shall be a candidate for membership in the Tribal Council unless he shall be a member of the Yomba Shoshone Tribe of the Yomba Reservation, and shall have resided in the district of his candidacy for a period of one year next preceding the election, and be at least twenty-five years of age.

SEC. 7. The Tribal Council of the Yomba Shoshone Tribe shall be the sole judge of the qualifications of its members.

ARTICLE IV — NOMINATIONS AND ELECTIONS

SECTION 1. The first election of a Tribal Council under this Constitution shall be called, held, and supervised by the Superintendent of the Carson Indian Agency within sixty days after the ratification and approval of this Constitution. At the first election, the two candidates receiving the highest number of votes in the Upper and Lower Districts shall serve three years. The two candidates receiving the next highest number of votes in the Upper and Lower Districts shall serve two years. The two candidates receiving the third highest number of votes in the Upper and Lower Districts shall serve one year, and thereafter elections for the Tribal Council shall be held every year and shall be called at least 60 days prior to the expiration of a term of office. The term of office of a councilman shall be for a period of three years or until his successor is elected, unless otherwise provided herein.

SEC. 2. The Tribal Council or an election board appointed by the Council shall determine rules and regulations governing all elections.

SEC. 3. All elections shall be by secret ballot.

SEC. 4. Any qualified member of the Yomba Shoshone Tribe may announce his or her candidacy for the Tribal Council within the district of his or her residence, such announcement to be in writing and presented to the Secretary of the Tribal Council at least ten days before the election. It shall be the duty of the Secretary to post in a public place and in at least one other place in the district affected, at least ten days before the election, the names of all candidates for the Tribal Council.

SEC. 5. The Tribal Council or the election board appointed by the Tribal Council shall certify to the election of the members of the Tribal Council within five days after the election returns.

SEC. 6. Any member of the Yomba Shoshone Tribe 21 years of age or over, who possess one-half degree or more of Shoshone Indian blood, who has been designated by the Secretary of the Interior as eligible for residence on lands purchased heretofore or hereafter for the benefit of landless Shoshone Indians, and who has maintained legal residence on the reservation for at least one year immediately prior to any election, shall have the right to vote, provided that at the first election the one-year residence rule shall not apply.

ARTICLE V — VACANCIES AND REMOVAL FROM OFFICE

SECTION 1. If a councilman or an official shall die, resign, be removed or recalled from office, permanently leave the reservation, or be found guilty of a felony or misdemeanor involving dishonesty in any Indian, State or Federal court, the Tribal Council shall declare the position vacant and an election shall be held by the appropriate district or body to fill the unexpired term.

SEC. 2. The Tribal Council may by four affirmative votes remove any official or expel any member of the Council for neglect of duty or gross misconduct. Before any such vote is taken on the matter, the member or official shall be given a written statement of the charges against him at least five days before the meeting of the Tribal Council before which he is to appear, and he shall be given an opportunity to answer any and all charges at such designated Council meeting. The decision of the Tribal Council shall be final.

SEC. 3. Upon receipt of a petition signed by one-third of the eligible voters in any district calling for the recall of any member of the Council, representing said district, it shall be the duty of the Council to call an election on said recall petition. No member may be recalled in any such election unless at least 30 percent of the legal voters of the district shall vote at such election.

ARTICLE VI — DUTIES AND POWERS OF THE TRIBAL COUNCIL

SECTION 1. Enumerated powers. The Yomba Tribal Council shall exercise the following powers, subject to any limitations imposed by the statutes or the Constitution of the United States, and subject to all express restrictions upon such powers contained in this Constitution and attached by-laws:

(a) To negotiate with the Federal, State, and local governments on behalf of the Tribe, and to advise and consult with the representatives of the Interior Department on all activities of the Department that may affect the Yomba Shoshone Tribe.

(b) To employ legal counsel for the protection and advancement of the rights of the Yomba Shoshone Tribe, the choice of counsel and the fixing of fees to be subject to the approval of the Secretary of the Interior.

(c) To approve or veto any sale, disposition, lease or encumbrance of tribal lands, interests in lands or other tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other qualified official or agency of government: Provided, That no reservation lands shall ever be leased for a longer period than permitted by law, or sold or encumbered, except for governmental or public service purposes.

(d) To confer with the Secretary of the Interior with regard to all appropriation estimates or Federal projects for the benefit of the Tribe prior to the submission of such estimates to the Bureau of the Budget and to Congress.

(e) To manage all economic affairs and enterprises of the Yomba Shoshone Tribe of the Yomba Reservation in accordance with the terms of a charter that may be issued to the Tribe by the Secretary of the Interior.

(f) To promulgate and enforce ordinances, which shall be subject to review by the Secretary of the Interior, governing the conduct of members of the Yomba Shoshone Tribe within the Yomba Reservation; providing for the manner of making, holding and revoking assignments of tribal land or interests therein; providing for the levying of assessments for the use of tribal privileges and property and the appropriation of available tribal funds for public purposes; providing for the licensing of nonmembers coming upon the reservation for the purpose of hunting, fishing, trading, or other business, and for the exclusion from the reservation of all persons not so licensed; and providing for the establishment of proper agencies for law enforcement within the jurisdiction of the Tribe.

(g) To charter subordinate organizations for economic purposes and to delegate to such organizations, or to any subordinate boards or officials of the Tribe, any of the foregoing powers, reserving the right to review any actions taken by virtue of such designated power.

(h) To adopt resolutions not inconsistent with this Constitution and By-laws, regulating the procedure of the Council itself and all other tribal agencies and tribal officers, and to exercise such duties as are conferred upon the Council by the By-laws.

SEC. 2. Future powers. The Yomba Shoshone Tribe may exercise such further powers as may in the future be delegated to the Council by members of the Tribe or by the Secretary of the Interior, or any other duly authorized official or agency of the State or Federal government.

SEC. 3. Reserved powers. Any rights and powers heretofore vested in the Indians eligible to reside on the Yomba Reservation in accordance with the Proclamation of October 27, 1938, but not expressly referred to in this Constitution, shall not be abridged by this Article, but may be exercised by the people of the Yomba Reservation through the adoption of appropriate by-laws and constitutional amendments.

SEC. 4. Manner of review. Any resolution or ordinance which by the terms of this Constitution is subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the Carson Indian Agency, who shall, within ten days thereafter, approve or disapprove the same.

If the Superintendent shall approve any ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of same bearing his endorsement to the Secretary of the Interior, who may, within ninety days from the date of enactment, rescind the said ordinance or resolution for any cause by notifying the Council of such decision. If the Superintendent shall refuse to approve any ordinance or resolution within ten days after its enactment, he shall advise the Council of his reasons therefor. If these reasons appear to the Council insufficient, it may, by majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within ninety days from the date of its enactment, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

ARTICLE VII — TRIBAL LANDS

SECTION 1. The lands of the Yomba Shoshone Tribe now held or hereafter acquired by the Yomba Shoshone Tribe, or by the United States in trust for said tribe, shall be held as tribal lands and shall be used in accordance with a land-use agreement entered into between the Tribe and the Secretary of the Interior, and no part of such lands shall be mortgaged or sold. Tribal lands shall not be allotted to individual Indians, but may be assigned to members of the Tribe or leased, or otherwise used by the Tribe, as hereinafter provided.

SEC. 2. Tribal lands not immediately required for assignments or for tribal or cooperative grazing use, may be leased by the Tribal Council, with the approval of the Secretary of the Interior, for such periods of time as are permitted by law.

In the leasing of tribal lands, preference shall be given, first, to cooperative associations composed of members of the Yomba Shoshone Tribe, and secondly, to individual Indians who are members of the tribe. No lease of tribal land to nonmembers shall be made by the Council unless it shall appear that no cooperative associations or individual members of the Tribe are able and willing to use the land and to pay a reasonable fee for such use.

Grazing permits covering tribal land may be issued by the Council with the approval of the Secretary of the Interior, in the same manner as leases.

SEC. 3. In any assignments of tribal lands which are now owned by the Tribe or which may hereafter be acquired for the Tribe by the United States, or purchased by the Tribe out of tribal funds, preference shall be given, first, to heads of families who have received assignments consisting of less than an economic unit of agricultural land, or other land or interest in land.

The Tribal Council, may, if it sees fit, charge a fee of not to exceed five dollars on approval of an assignment made under this section.

Assignments made under this section shall be for the primary purpose of establishing homes for landless Indians.

SEC. 4. If any member of the Tribe holding an assignment of land shall, for a period of one year, fail to use the land so assigned, the assignment may be cancelled by the Council after due notice and an opportunity to be heard, and the said land may be reassigned in accordance with the provisions of section 3 of this Article. Revocation of an assignment may be appealed by the assignee to the Commissioner of Indian Affairs, who shall upon receiving such an appeal establish a board composed of three members, one member to be named by the appellant, one by the tribal council, and a third member to be chosen by the first two, provided that this third member shall not be a member of the tribe and shall not be an employee of the Carson Indian Agency. The decision rendered by this Board of Appeals shall be final. In case the two members first named fail to agree on a third member, the Commissioner of Indian Affairs shall make the appointment.

Upon the death of any Indian holding an assignment, his heirs or other individuals designated by him, by will or by written request, shall have a preference in the reassignment of the land, provided such persons are members of the Yomba Shoshone Tribe who would be eligible to receive an assignment.

SEC. 5. Applications for assignments shall be filed with the Secretary of the Council and shall be in writing, setting forth the name of the person or persons applying for the land and as accurate a description of the land desired as the circumstances will permit. Notices of all applications received by the Secretary of the Council shall be posted by him in at least two conspicuous places on the reservation for not less than twenty days before action is taken by the Council. Any member of the Tribe wishing to oppose the granting of an assignment shall do so in writing, setting forth his objections, to be filed with the Secretary of the Council, and may, if he so desires, appear before the Council to present evidence. The Secretary of the Council shall furnish the Superintendent or other officer in charge of the Agency a complete record of all action taken by the Council on applications for assignment of land, and a complete record of assignments shall be kept in the Agency office and shall be open for inspection by members of the Tribe.

Any member of the Tribe or the Superintendent may protest to the Commissioner of Indian Affairs against the action of the council on an assignment application within 30 days after such actions has been taken. Upon receiving such a protest, the Commissioner shall authorize the creation of a Board of Appeals, one member to be named by the person making the protest, one to be named by the tribal council, and a third member to be chosen by the first two, provided that the third member shall not be affiliated with the tribe and shall not be employed in the Indian Service. The decision rendered by this Board of Appeals shall be final. In case the two members first named fail to agree on a third member, the Commissioner of Indian Affairs shall make the appointment.

ARTICLE VIII — REFERENDUM

Upon a petition of at least ten qualified voters of the Yomba Shoshone Tribe, a referendum may be demanded on any enacted or proposed ordinance or resolution of the Council, and the vote of a majority of the qualified voters voting in such referendum shall thereafter be conclusive and binding upon the Council.

ARTICLE IX — AMENDMENTS

SECTION 1. This Consitution and By-laws may be amended by a majority vote of the qualified voters of the Yomba Shoshone Tribe of the Yomba Reservation, voting at an election called for that purpose by the Secretary of the Interior; Provided, That at least 30 percent of those entitled to vote shall vote at such election; but no amendment shall become effective until it shall have been approved by the Secretary of the Interior.

SEC. 2. It shall be the duty of the Secretary of the Interior to call an election on any proposed amendment upon receipt of a petition signed by 25 percent of the qualified voters, members of the Tribe.

BY-LAWS OF THE YOMBA SHOSHONE TRIBE

ARTICLE I — DUTIES OF OFFICERS

SECTION 1. The Chairman of the Tribal Council shall preside over all meetings of the Council, perform all duties of a chairman, and exercise any authority delegated to him.

SEC. 2. The Vice-Chairman shall assist the chairman, when called upon so to do,

and in the absence of the chairman, he shall preside. When so presiding, he shall have all the privileges, duties and responsibilities of the chairman.

SEC. 3. The Secretary of the Tribal Council shall conduct all correspondence and keep a complete and accurate record of all matters transacted at Council meetings. It shall be his duty to submit promptly to the Superintendent of the Carson Indian Agency and the Commissioner of Indian Affairs, copies of all minutes of regular and special meetings of the Tribal Council and the Tribe.

SEC. 4. The duties of the Treasurer shall be as follows: He shall accept, receive, receipt for, preserve and safeguard all funds for which the Council is acting as trustee or custodian. He shall deposit all such funds in such bank or elsewhere as directed by the Council, and he shall keep an accurate record, filing same in the Council's office, and he shall report all receipts and expenditures and accounts, and the nature of all funds in his possession or custody once every six months to the Council in writing, or at any time he is requested to do so by the Council. He shall be required to give a bond satisfactory to the Council and the Commissioner of Indian Affairs. Until the Treasurer is bonded, the Council may make such provision for the handling of funds of the tribe as shall guarantee their safety and proper disbursement and use.

SEC. 5. Newly elected Council members who have been duly certified shall be installed at the first regular meeting of the Council following the election.

SEC. 6. Each member of the Council and each officer or subordinate official, elected or appointed hereunder, shall take an oath of office prior to assuming the duties thereof, by which oath he shall pledge himself to support and defend the Constitution of the United States and this Constitution and By-laws.

Oath: "I, _____, do solemnly swear that I will support and defend the Constitution of the United States against all enemies; that I will carry out faithfully and impartially the duties of my office to the best of my ability; that I will cooperate, promote, and protect the best interests of my Tribe, in accordance with its Constitution and By-laws."

SEC. 7. Regular meetings of the Tribal Council shall be held three times yearly in the months of March, July, and November, and at such other times as the Council shall by resolution provide, the exact day of meeting to be fixed by resolution.

SEC. 8. Special meetings may be called by written notice signed by the chairman, or by a majority of the Council, and when so called, the Council shall have power to transact business as in regular meetings. No business shall be transacted unless a quorum is present. A quorum shall consist of a majority of the entire membership of the Council.

SEC. 9. Order of business:

- (a) Call to order by the Chairman
- (b) Roll call
- (c) Reading of minutes of the last meeting
- (d) Unfinished business
- (e) Reports
- (f) New business
- (g) Adjournment

SEC 10. The Tribal Council may prescribe such salaries and expenses for officers or members of the Council as may be deemed advisable, from such funds as may be available.

ARTICLE II -- ORDINANCES AND RESOLUTIONS

SECTION 1. All final decisions of the Council on matters of general and permanent interest to the members of the Tribe, shall be embodied in ordinances. Such ordinances shall be collected and published from time to time for the information and education of the members of the Tribe.

SEC. 2. All final decisions of the Council on matters of temporary interest, (such as action on the tribal budget for a single year, or petitions to Congress or the Secretary of the Interior) or relating especially to particular individuals or officials (such as adoption of members, instructions for Council employees, or rules of order for the Council), shall be embodied in resolutions. Such resolutions shall be recorded in a special book which shall be open to public inspection.

SEC. 3. All question of procedure (such as acceptance of committee reports or invitations to outsiders to speak) shall be decided by motion of the Council or by the ruling of the chairman, if no objection is heard. On all ordinances, resolutions, or motions, the Council may act by majority vote, but all matters of importance shall be fully discussed and a reasonable attempt shall be made to secure an unanimous agreement.

SEC. 4. Every ordinance shall begin with the words, "Be it enacted by the Yomba Tribal Council . . .". Every resolution shall begin with the words, "Be it resolved by the Yomba Tribal Council . . .".

ARTICLE III -- ADOPTION OF CONSTITUTION AND BY-LAWS

This Constitution and By-laws shall be in full force and effect whenever a majority of the Shoshone Indians residing on the Yomba Reservation, Nevada, in accordance with the Proclamation of October 27, 1938, voting at an election called by the Secretary of the Interior in which at least 30 percent of the eligible voters shall vote, shall have ratified such Constitution and By-laws and the Secretary of the Interior shall have approved same, as provided in the Act of June 18, 1934, and amended by the Act of June 15, 1935.

I, Oscar L. Chapman, the Assistant Secretary of the Interior of the United States of America, by virtue of the authority granted me by the Act of June 18, 1934 (48 Stat. 984), as amended, do hereby approve the attached constitution and by-laws of the Yomba Shoshone Tribe.

All rules and regulations heretofore promulgated by the Interior Department or by the Office of Indian Affairs, so far as they may be incompatible with any of the provisions of the said constitution and by-laws will be inapplicable to these Indians from and after the date of their adoption thereof.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said constitution and by-laws.

Approval recommended December 18, 1939.

WALTER V. WOHLKE,
Assistant to the Commissioner of Indian Affairs.

OSCAR L. CHAPMAN,
Assistant Secretary.

[SEAL]

WASHINGTON, D.C., December 20, 1939.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved December 20, 1939, by the Assistant Secretary of the Interior, the attached constitution and by-laws was submitted for ratification to the Indians of the Yomba Reservation and was on December 22, 1939, duly approved by a vote of 30 for, and 0 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), as amended by the Act of June 15, 1935.

HICKS DARROUGH,
Chairman, Election Board.

HOMER SAM,
Secretary, Election Board.

DON C. FOSTER,
Acting Superintendent, Carson Agency.
